

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1880

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF FIFE, PIERCE COUNTY, WASHINGTON,  
AMENDING CHAPTER 5.01 OF THE FIFE  
MUNICIPAL CODE REGARDING BUSINESS  
LICENSE PROCESSING BY THE WASHINGTON  
STATE DEPARTMENT OF REVENUE**

WHEREAS, the Washington State Department of Revenue offers a one-stop state and local business license application process; and

WHEREAS, under the program, the Department collects the application data and payments on behalf of participating jurisdictions and then distributes the collected information and payments to the respective jurisdictions for approval and processing; and

WHEREAS, once the application is approved by the jurisdiction, the Department issues a single master business license with endorsements for the jurisdiction; and

WHEREAS, with the exception of certain credit card processing fees and programming costs, the service is provided by the State at no cost to the participating jurisdictions; and

WHEREAS, the program streamlines the business application process and creates efficiencies for both businesses and the City; and

WHEREAS, pursuant to Resolution 1507, the City contracted with the Department to provide such services; and

WHEREAS, in order to implement the services, it is necessary to make certain changes to Chapter 5.01 of the Fife Municipal Code regarding business licenses; now, therefore

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

Section 1. Section 5.01.010 of the Fife Municipal Code is hereby amended to read as follows:

### **5.01.010 Definitions.**

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein:

“Business” includes all activities, occupations, pursuits or professions located and/or engaged in within the city with the object of gain, benefit or advantage to the licensee or another person or class, directly or indirectly, and shall include not-for-profit organizations. Each business location and each business name shall be deemed a separate business. The term “business” shall include the letting for rent or lease for residential occupancy four or more residential dwelling units within the city.

“Business Licensing Service” means the office within the state Department of Revenue that administers the application and renewal of the Fife business licensing requirement.

“Employee” means anyone employed by a person engaged in business within the city regardless of the amount of wage paid or the number of hours worked. It shall include the owner or owners of the business if they perform any work within the city.

“Engaging in business” means commencing, conducting or continuing in any business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators hold themselves out to the public as conducting such a business.

“License officer” is the city clerk of the city or his/her designee, who shall administer this code and is hereby authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this code as may be necessary. It shall be a violation of this code to fail to comply with any such rule or regulation lawfully promulgated hereunder.

“Licensee” includes any person who is engaged in business or who is required to have or is granted a license under this title.

“Nonprofit” means an exemption from federal taxation as evidenced by a letter from the Internal Revenue Service showing a current tax exempt status pursuant to the Internal Revenue Code Section as most recently amended.

“Person” or “company,” herein used interchangeably, means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate,

firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, and the United States or any instrumentality thereof.

“Premises” means any location within the city in, at, or upon which a person engages in business.

“Residential dwelling unit” means any structure or part of a structure which is used as a home, residence or sleeping place by one or more persons, including but not limited to single-family residences and units of multiplexes, apartment buildings and mobile homes and similar living accommodations.

“Year” means the calendar year.

Section 2. Section 5.01.020 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.020 License Required**

It is unlawful for any person to engage in business within the city without first procuring a license therefor from the city and paying the fees prescribed in this code. All licenses issued pursuant to the provisions of this title shall be displayed in a prominent and conspicuous location at the premises. If the person is engaged in business within the city and does not conduct it upon premises, then he/she shall carry the license upon his/her person.

Owners of four or more residential dwelling units, as defined in FMC 5.01.010, offered for rent inside city limits are considered to be in the rental property business and must comply with the licensing requirements of this chapter.

Persons are deemed to be the owner of a residential dwelling unit if they have an ownership interest, however small, in a residential dwelling unit, or are members, partners, shareholders, or otherwise have a financial interest in a legal entity having an ownership interest in a residential dwelling unit.

Section 3. Section 5.01.030 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.030 Term of License**

All licenses issued under the provisions of this title are effective upon approval by the city, and expire on the date established by the Business Licensing Service.

Section 4. Section 5.01.060 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.060 Transferability**

No license issued under the provisions of this title shall be transferable or assignable. When a business changes ownership, or upon substantial change in the type of business operated, a new business or special license and fee shall be required.;

Section 5. Section 5.01.100 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.100 Application Procedures**

A. Application for a license is by submitting a completed Business License Application, along with the appropriate addenda and full fees due, to the Business Licensing Service. The complete application will include, but is not limited to:

1. The appropriate license fee (FMC 5.01.110);
2. Employee count (FMC 5.01.110);
3. Nonprofit exemption status (FMC 5.01.010 and 5.01.050) if claimed.
4. Number of residential dwelling units offered for rent inside the city

limits.

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 6. Section 5.01.110 of the Fife Municipal Code is hereby amended to read as follows:

A. The annual license fee is determined by the greatest number of employees of the business, employed at any time during the previous 12 months. The number

of employees is determined by the employer's highest numerical count as reported on the employer's unemployment compensation quarterly report filed with the Washington State Employment Security Department. A new business that has not yet established or reported employee information to the state must establish the maximum number of employees to be employed at any one time during the coming 12 months following the date of application. Businesses located inside Fife city limits must include in the employee count all employees of the business and the business owner(s).B. License Fee Schedule – Classification. Unless a set fee is listed for a particular type of business, the license fee shall be based on the number of employees as set forth in the current fee schedule. C. The license fee due per this section may be prorated as necessary to synchronize a license expiration date with the Business Licensing Service. D. The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: [www.cityoffife.org](http://www.cityoffife.org). E, All application or renewal filings must include the Business License Service handling fee authorized under RCW 19.02.085.

Section 7. Section 5.01.120 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.120 Businesses outside city limits.**

Businesses located outside the Fife city limits that engage in business within the city limits must apply and pay for a license per the license fee classification set forth in FMC 5.01.110.

Section 8. Section 5.01.130 of the Fife Municipal Code is hereby amended to read as follows:

**5.01.130 License Renewal.**

A. Licenses must be renewed on or before the expiration date established by the Business Licensing Service.

B. The business will be sent a notice to renew prior to the expiration date of the license. The notice will be sent to the last address provided by the business. Failure of the licensee to receive any such notice does not excuse the licensee from making application for and securing the required renewal license, or from payment of the license fee.

C. A renewal submitted after the expiration date of the license is considered delinquent and may be assessed the late fee listed in RCW 19.02.085.

D. The renewal fee is determined as provided in FMC 5.01.110.

E. Any person engaged in business in Fife whose business license has not been renewed within 90 days after the expiration date shall be guilty of a misdemeanor.

F. The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: [www.cityoffife.org](http://www.cityoffife.org).

Section 9. Section 5.01.140 of the Fife Municipal Code is hereby amended to read as follows:

A. The license officer is responsible for receiving applications and license fees collected by the Business Licensing Officer and approving the issuance of licenses.

B. Prior to issuing a license the license officer shall route all applications to the community development and police departments for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.

C. Upon approval of the application, the Business Licensing Service will be instructed to issue the license.

D. No license shall be issued or renewed if any of the conditions listed in FMC 5.01.150 exist or apply to the license applicant or premises proposed to be licensed or if the applicant fails to meet the requirements of FMC 5.01.090.

E. Upon denial of the application, the fees paid are forfeited by the applicant. The city will provide prompt notice that the application has been denied.

F. The license officer shall approve or deny all applications for licenses required hereunder. Any applicant denied a license, or any person objecting to the issuance of any such license, may, within 10 days after the issuance or denial of such license, appeal said ruling by filing a written notice of appeal with the license officer and paying an appeal fee. The appeal fee shall be refunded if the appellant is successful. The notice of appeal shall state the action being appealed and all grounds upon which the appeal is based. The license officer shall forward the appeal to the hearing examiner who shall set a date for the hearing of such appeal, which appeal shall be governed by Chapter 2.92 FMC. The hearing examiner shall notify the applicant and any person having filed written request for notice as to the date and time of hearing. If an application for a license is denied, and the applicant has filed a timely appeal of such denial, the applicant shall not conduct any business for which a license was denied, during the pendency of the appeal.

The current fee schedule relating to this section of the Fife Municipal Code is available at Fife City Hall and at the city of Fife's website: [www.cityoffife.org](http://www.cityoffife.org).

Section 10. 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 11. 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 9<sup>th</sup> day of September, 2014.

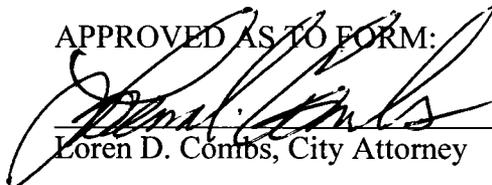
Passed by the City Council on the 23<sup>rd</sup> day of September, 2014.

  
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Subir Mukerjee, City Manager

ATTEST:

  
for Michelle Meelbro  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
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Loren D. Combs, City Attorney

Published: 9/25/14  
Effective Date: Sept 30, 2014