

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1917

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING THE TITLE NAME TO TITLE 5, AMENDING SECTIONS 5.01.050, 5.01.090, 5.01.100, 5.01.140, 5.01.150, 5.01.160, AND 5.06.070 AND REPEALING SECTION 5.16.080 AND CHAPTER 5.44 OF THE FIFE MUNICIPAL CODE REGARDING BUSINESS LICENSING AND REGULATION

WHEREAS, the City has the authority under its police power to regulate and license businesses within the City limits; and

WHEREAS, taxicabs are heavily regulated and licensed by the state of Washington, so it is not necessary for the city to require an additional city of Fife taxicab license; and

WHEREAS, it is appropriate to amend and update other business licensing and regulation provisions in Title 5 as a housekeeping measure; and

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

Section 1. The title to Title 5 of the Fife Municipal Code is hereby amended to read as follows:

Title 5
BUSINESS LICENSES AND REGULATIONS

Section 2. Subsection 5.01.050(c) of the Fife Municipal Code is hereby amended to read as follows:

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.

Section 3. Section 5.01.090 of 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 similar Fife business license revoked within the previous two year period;

C. 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;

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

Section 4. 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. 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, including, but not limited to, the city's zoning and critical areas ordinances.

C. 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 5. Subsection 5.01.140(b) of the Fife Municipal Code is hereby amended to read as follows:

B. Prior to issuing a license, the license officer shall route all applications to the community development department for its endorsement as to compliance by the applicant with all city regulations which it has the duty of enforcing.

Section 6. Section 5.01.150 of the Fife Municipal Code is hereby amended to read as follows:

5.01.150 License suspension or revocation.

In addition to the other penalties provided herein or by law, any license issued under the provisions of this title may be revoked or suspended, should any or all of the following apply:

- A. The license was procured by fraud, false representation, or material omission of fact; or
- B. The licensee or any of its employees, officers, agents or servants, while acting within the scope of their employment, violates or fails to comply with any of the provisions of this title; or
- C. The licensee’s continued operation of the business for which the license was issued has or will result in a danger to the public health, safety or welfare, or the violation of any federal or state law or any ordinance or regulation of the city; or
- D. The operation of the business for which the license was issued has resulted in the creation of a public nuisance as defined in the FMC, or state statute or common law; or
- E. The licensee, or any of its employees, officers, agents or servants, has been convicted of a crime which relates directly to the specific occupation, trade, vocation, or business for which the license was issued; or
- F. The location at which the business is being conducted does not conform to city ordinances, including, but not limited to, the city’s zoning and critical areas ordinances; or
- G. The license is being used for a purpose different from that for which it was issued; or
- H. The property at which the business is located has been determined by a court to be a chronic nuisance transient accommodation property as provided in Chapter 8.06 FMC.

Section 7. Section 5.01.160 of the Fife Municipal Code is hereby amended to read as follows:

5.01.160 Inspections – Right of entry.

The license officer, or his/her designee, is authorized to make or have made such inspections and take such action as may be required to enforce the provisions of

this title. Any inspector must present his or her credentials and ask permission to enter the premises. If permission is denied, the inspector shall have recourse to the Fife municipal court to seek an administrative search warrant for gaining entry. Neither permission nor warrant are necessary if a public safety emergency justifies entry.

Section 8. Section 5.06.070 of the Fife Municipal Code is hereby amended to read as follows:

5.06.070 Regulatory requirements.

A. No person may be granted a cabaret license if he or she has, within five years of the date of application, been convicted of a felony involving fraud or prostitution, or a felony violation of any federal or state law or city ordinance concerning the manufacture, possession, or sale of liquor, or controlled substances.

B. No licensee shall harbor, admit, receive or permit to be present or to remain in or about any cabaret any person who is soliciting for purposes of prostitution, any intoxicated person, any person who is under the influence of drugs, any person who is attempting to or engaging in unlawful drug transactions, or any person who is placing patrons or employees of the cabaret in reasonable fear for their safety.

C. No licensee shall knowingly permit or allow any person under the age of 21 years to be present in or upon the premises of a cabaret.

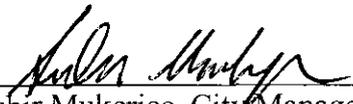
Section 9. Repealer. Section 5.16.080 and Chapter 5.44 of the Fife Municipal Code are hereby repealed.

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.

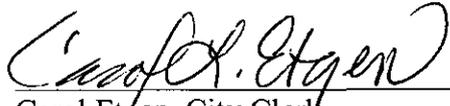
Section 11. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 22^d day of September, 2015.

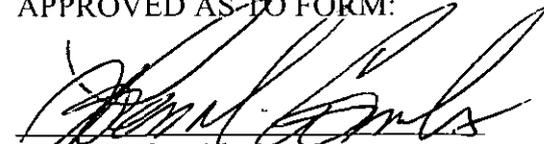
Passed by the City Council on the 13th day of October, 2015.


Subir Mukerjee, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 10/15/2015
Effective Date: 10/20/2015