

## **Title 5**

### **BUSINESS TAXES, LICENSES AND REGULATIONS**

#### **Chapters:**

**5.04 Business Licenses Generally**

**5.08 *Repealed***

**Chapter 5.04****BUSINESS LICENSES GENERALLY**

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**5.04.010 Purpose.**

This chapter is intended to provide information concerning new and existing businesses in the town, to insure the legal conduct of businesses, to provide revenue, and to assist in the effective administration of town ordinances relating to health, fire and building codes, zoning, subdivision, shorelines and similar matters. The provisions of this chapter shall be deemed an exercise of the power of the town to license for regulation and revenue pursuant to RCW 35.27.370(9). (Ord. 1072 § 1, 1998)

**5.04.020 Definitions.**

For the purposes of this chapter the terms set out in this section shall have the meanings indicated.

A. “Business” includes all activities, sale of goods, occupations, trades, pursuits, or professions engaged in within the town with the object of gain, benefit or advantage, directly or indirectly, to any person, including home occupations, as defined by FHMC 17.08.350 as amended from time to time. Each business location shall be deemed a separate business.

B. “Engaging in business” or “engage in business” means commencing, conducting or continuing in business, in any form whatsoever, whether or not an office/physical location for the business is located within the town. 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.

C. “Event” includes all events within the town of Friday Harbor that include retail sales and are conducted on public ways with the approval of the town.

D. “Permanent building” means a building, as defined by the International Building Code, adopted by reference in FHMC 15.04.010 as amended from time to time, which is permanently set upon a foundation and serviced by power, water and sewer utilities.

E. “Person” means a company, corporation, association, receiver, assignee, trustee in bankruptcy, trust, estate, joint venture, club, joint stock company, business trust, society, or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

F. “Year” or “license year” means the period of time from July 1st to and including the succeeding June 30th. (Ord. 1279 § 2, 2005; Ord. 1072 § 2, 1998)

**5.04.030 License requirement.**

Unless otherwise provided in this chapter, no person shall engage in any business within the town, without first having secured a license to do so. (Ord. 1072 § 3, 1998)

**5.04.040 Shoreline location.**

Except where specifically authorized by issuance of a substantial development permit, no person who transacts business of any sort from a location not entirely within the footprint of a permanent building shall be located on any premises which are wholly or partially within the shorelines of the town, as the term is defined in RCW 90.58.030(2)(d). (Ord. 1072 § 4, 1998)

**5.04.050 Outdoor regulations.**

The following requirements shall apply to all outdoor business operations:

A. A receptacle of adequate size shall be provided on the premises for the deposit of waste and refuse;

B. All aspects of the business operation shall be conducted and maintained in a manner which does not create or contribute to the risk of fire on or about the premises; and

C. The activities of the business shall not in any way impair or impede the flow of pedestrian and/or vehicle traffic in the area. (Ord. 1072 § 5, 1998)

#### **5.04.060 Basic license fee.**

The basic fee for a business license shall be \$42.00 per license year, subject to the following adjustments:

A. The basic fee for any license issued after July 31st and before April 1st of any license year shall be reduced at the rate of \$3.50 for each calendar month which has transpired in the license year.

B. The basic fee for any license issued after April 1st and before June 30th of any license year shall be increased at the rate of \$3.50 for each calendar month which is remaining in the license year; provided, however, that any license issued during said period shall be valid for the balance of the license year in which it is issued and for the next full license year. The license fee adjustment provision contained herein shall not be deemed to entitle any person to an adjusted fee solely on the basis that the business will be operated only on a part-time or seasonal basis. (Ord. 1072 § 6, 1998)

#### **5.04.070 Exemptions.**

A. The provisions of this chapter shall not apply to:

1. The United States or any instrumentality thereof and the state or any municipal subdivision thereof;
2. Occasional or infrequent sale by individuals of used personal property owned by them and not acquired for resale;
3. Minors conducting a business on premises owned or controlled by their parent or guardian, provided no other person is employed by the minor;
4. Fraternal benefit associations or societies as defined in RCW 48.36A.010;
5. Nonprofit religious organizations;

6. Any person who is exempt from payment of such fees by the laws of the United States or the state;

7. Nonprofit associations, clubs, or corporations maintained for the purpose of organized sports, charity, educational activities (including police and fire department reserve organizations);

8. Deliverers of newspaper periodicals;

9. Public and private schools of education;

10. Farmers/gardeners selling their own unprocessed farm products raised or grown exclusively upon lands owned or occupied by them;

11. Public utility companies;

12. Suppliers who do not have a place of business in the town and are engaged solely in wholesale selling to licensed retailers;

13. Rentals of real property, over 30 days, by property owners;

14. Consignee products being sold in an established, licensed retail business.

B. Any person claiming exemption under this section may be required to supply information or legal citation in support of such exemption. No exemption will be granted if requested supporting data is not supplied. (Ord. 1072 § 7, 1998)

#### **5.04.080 Application – Issuance – Denial or revocation.**

A. Application. Application for a business license shall be made to the town clerk upon forms furnished by that office. The information provided by the applicant shall include, at a minimum:

1. The name, phone number, and mailing address of the applicant;
2. The name, phone number, and mailing address of the business;
3. A listing of all persons having a proprietary interest in the business;
4. The street address of the place where the business is conducted;
5. A description of the trade, shop, business, profession, occupation, or calling to be carried on within the town;
6. The date of the application;

7. The State Department of Revenue tax number (UBI No.); and

8. The signature of the applicant.

9. *Repealed by Ord. 1279.*

**B. Issuance.**

1. The town clerk shall review each application and town records to determine that the application is complete and that the application fee has been paid. Upon making such a determination, the clerk shall issue a license, which shall be serially numbered, shall specify the type and location of the business, and shall set forth the name of the person engaging in the business.

2. Issuance of a business license shall not constitute an assurance or representation that the business, or its location, complies with other town ordinances or regulations or with any applicable state or federal laws. All licensees shall remain fully responsible to assure that their business operations and/or location meet all other application laws and requirements.

C. Denial. Any application which fails to meet the requirements of subsection B of this section shall be denied within seven days after receipt and the applicant advised in writing, giving the reason therefor. Denial shall be subject to appeal by the applicant to the town council as provided in this chapter.

D. Revocation. Licenses issued under the provisions of this chapter may be revoked by action of the town council, after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statements in the application for license;

2. Operation of the business at a location other than specified on the license; provided, however, that a licensee may change the business location on the license by presenting the certificate to the town clerk with a request for such a change. No fee shall be charged for such a change;

3. Operation of a business which is substantially different than specified on the license; provided, however, that a licensee may change the business operation on the license by presenting the certificate to the town clerk with a request for such change. No fee shall be charged for such a change.

E. Renewals. The town shall mail renewal notices to all licensed businesses no later than June 1st of each year. (Ord. 1279 § 3, 2005; Ord. 1072 § 8, 1998)

**5.04.090 Time for application.**

A. Application for business licenses required by this chapter shall be made as follows:

1. For new businesses, a complete application shall be made before the planned date for commencing business;

2. Renewals shall be applied for within 30 days after the beginning of the new license year.

B. Failure to apply for a license within the times specified constitutes a late application which shall be subject to a penalty of 50 percent of the basic fee. (Ord. 1072 § 9, 1998)

**5.04.100 Miscellaneous provisions.**

A. Licenses shall be personal and nontransferable, and shall be valid until the end of the year for which issued.

B. If business is conducted at two or more locations by the same person, a separate license for each place of business shall be required.

C. Where a place of business is changed and the person conducting the business remains the same, a license will be issued for the new place of business free of charge.

D. A written rental agreement or lease with legal owner of premises upon which the business operator of a home occupation conducts business is required when the business operator is not the legal property owner.

E. Each license shall be conspicuously posted in the place of business for which it is issued. A license carried on the person meets this requirement if the place of business is mobile.

F. A person whose application has been denied may correct any deficiency and reapply within 90 days without payment of an additional license fee.

G. A coordinating event entity must have or obtain a town of Friday Harbor business license when an event is held on town public roads or ways. (Ord. 1279 § 4, 2005; Ord. 1072 § 10, 1998)

**5.04.110 Appeal to town council.**

Any person whose application has been denied may appeal to the town council. Such appeal shall be in writing, shall state in full the basis for appeal and shall be submitted through the town clerk within 15 days after the date of notice of denial. The clerk shall fix a date for hearing before the council which shall be not later than the second regular meeting of the council after receipt of the appeal. Council action shall be final unless appealed within 30 days to the county superior court. (Ord. 1072 § 11, 1998)

**5.04.120 Violation and enforcement.**

A. A violation of this chapter shall be and hereby is declared both a public nuisance and a Class 4 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this chapter exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in Chapter 1.18 FHMC. (Ord. 1072 § 12, 1998)

**Chapter 5.08**

**TEMPORARY VENDORS  
AND MERCHANTS**

(Repealed by Ord. 1290)