

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 16-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON AMENDING BUCKLEY MUNICIPAL CODE CHAPTER 6.04 TO COMPLY WITH NEW MODEL ORDINANCE LANGUAGE REQUIRED IN RCW 35.90

Recitals

- A. EHB 2005 codified in Chapter 35.90 RCS adopted in 2017 requires amendment of the City's business licensing code;
- B. Model Code language has been provided to the City.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Buckley, Washington as follows:

Section 1. Buckley Municipal Code Chapter 6.04 is hereby amended to read as follows:

Sections:

- 6.04.010 Purpose.
- 6.04.020 Definitions.
- 6.04.030 Business license required.
- 6.04.040 Businesses located outside city limits.
- 6.04.050 Exemptions.
- ~~6.04.055 Exemptions—Fee waiver. REPEALED~~
- ~~6.04.060 Application for exemption required. REPEALED~~
- 6.04.070 Applicable regulations.
- 6.04.080 Temporary business licenses.
- ~~6.04.090 Duties of city administrator. REPEALED~~
- 6.04.100 Procedure for issuance of license.
- 6.04.110 Determination of license fee.
- 6.04.120 Mailing of notices.
- 6.04.130 License fee in addition to others.
- 6.04.140 Inspections – Right of entry.
- 6.04.150 Appeals.
- 6.04.160 Enforcement and penalties.

6.04.010 Purpose.

The purpose of this chapter is to regulate and ensure the legal conduct of businesses, assist in the effective administration of health, fire, building, zoning and other codes of the eCity, to impose

fees for revenue purposes, and to provide a means for obtaining public information and compiling statistical information on existing and new businesses in the *eCity*.

6.04.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

~~“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 person engaging in the same, or to any other person or class, directly or indirectly. It also includes general contractors, home occupations, garage sales and businesses temporarily conducted within the city including but not limited to transient merchants, peddlers and vendors. It does not include, however, wholesale distributors selling products to businesses within the city unless said distributor has an office, warehouse or other business establishment located within the city. Each business location shall be deemed a separate business.~~

~~“City” means the eCity of Buckley.~~

“Home occupation” means any business conducted within a dwelling for which a home occupation permit is required pursuant to BMC Title 19.

“License” or “licensee,” as used generally in this chapter, means and includes respectively the words “permit” or “permittee” or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

“Nonprofit organization” includes individual person(s), partnerships, joint ventures, societies, associations, churches, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or any other person under either personal appointment or pursuant to law who qualifies under definition of and certification by the Internal Revenue Service as nonprofit.

“Peddler” or “Solicitor.” Any person either as principal or agent, who carries goods, wares, services and merchandise, articles, things or personal property of whatever name, nature or description from house to house, place to place, or upon any street, highway or public place within the *eCity*, for sale, is defined to be a peddler within the meaning of this chapter; any person who goes from house to house, dwelling place to dwelling place or upon any street, highway or public place within the *eCity*, soliciting or taking orders for the purchase or sale of goods, wares, services or merchandise, articles, things or personal property of whatever name, nature or description to be delivered in the future, is also defined to be a peddler within the meaning of this chapter.

~~“Person” includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, society or any group of individuals acting as a unit.~~

“Premises” means and includes all lands, structures and places, and also any personal property which is either fixed to, or is otherwise used in connection with any such business conducted on such premises.

“Temporary business” shall mean and include all businesses of a transitory nature or fixed duration, at a fixed location on public or private property not within a permanent structure or building, including, but not limited to:

- (1) Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities other than adult entertainment;
- (2) Christmas tree sales lots and flower stands;
- (3) Indoor or outdoor special sales, including swap meets, parking lot sales, warehouse sales or similar activities;
- (4) Garage sales and flea markets which exceed three consecutive days in length;
- (5) Temporary stands for the sale of items such as food, toys, jewelry, goods, art, crafts, firewood; and
- (6) Any other similar use of a transitory nature or fixed duration, such as peddling or door-to-door sales as defined in this section.

“Transient business operator” (or “transient merchant”) means any person either as principal or agent who sells goods, wares, food, beverage, services or merchandise at a fixed location on public or private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the Uniform Building Code.

“Year” means a calendar year.

6.04.030 Business license required.

(1) All persons engaging in business in the City of Buckley shall first have ~~No person shall transact, engage in or carry on any business, trade, profession, occupation or calling without first~~

having been issued a business license unless such activity is exempt as provided in BMC 6.04.050.

~~(1) Except as authorized for seasonal sales as provided in BMC 6.04.070 and temporary businesses as provided in BMC 6.04.080, no business shall be allowed to operate within the city unless the same is at a permanent business street address location, within a permanent structure or building and otherwise in accordance with city ordinance.~~

(2) 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 eCity and does not conduct it upon premises then he/she shall carry the license upon his/her person.

(3) The term “engaging in business” means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(4) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (3). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law..

(5) Without being all inclusive, any of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, tangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

- (e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.*
- (f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.*
- (g) Soliciting, negotiation, or approving franchise, license, or other similar agreements.*
- (h) Collecting current or delinquent accounts.*
- (i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.*
- (j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.*
- (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs, and other sport organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.*
- (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.*
- (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.*
- (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.*
- (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.*
- (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.*

(6) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representative in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the City.

(e) Attending but not participating in a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the City.

(7) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

6.04.040 Businesses located outside city limits.

Unless otherwise exempt, this chapter covers and applies to any business located outside the eCity that engages in some business activity inside the city limits of the eCity of Buckley.

6.04.050 Exemptions.

The following shall be exempt from the provisions of this chapter:

- (1) Casual or isolated sales made by persons who are not engaged in the ongoing business of selling the type of property involved; providing, that not more than four such sales events are made during any tax year.
- (2) Businesses where the sale or contract for services occurs on business premises outside of the eCity and the only event occurring within the eCity is the mere delivery of the goods or services to the customer or client by common carrier.
- (3) Minors engaged in baby-sitting, delivery of newspapers, lawn mowing, car washing, and similar activities.
- (4) Any instrumentality of the United States, sState of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions.
- (5) Special events sponsored by the eCity and nonprofit community festivals including participating commercial peddlers/vendors; provided, that:
 - (a) The business does not operate within the eCity more than five consecutive days;
 - (b) The business does not operate within the eCity more than 12 days in a calendar year; and
 - (c) The business is authorized to participate in the community festival by the sponsor of the festival.
- (6) Nonprofit organizations, including but not limited to religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations.
- (7) Any farmer, gardener or other person who sells, delivers or peddles any fruit, vegetables, berries, butter, eggs, fish, milk, poultry or meats or any farm produce or edibles raised, gathered, caught, produced or manufactured by such person in any place in this state
- (8) *Any person or business whose annual value of products, gross proceeds of sales or gross income of the business in the City is equal to or less than \$2,000 and who does not maintain a place of business within the City shall be exempt from the general business license requirements in this chapter.*

~~6.04.055 — Exemptions — Fee waiver. REPEALED~~

~~The licensing provisions of this chapter shall apply to the following persons and organizations; however, the business license fees shall be waived for:~~

~~A. Any person in business whose gross proceeds of sales or gross income from the business are less than \$1,000 per month. Such persons shall provide the city with an affidavit at the beginning of each license year, confirming the income for the prior license year. A copy of the person's~~

~~Internal Revenue Service Schedule C, Profit or Loss from Business, or other applicable federal income tax forms shall be submitted as verification.~~

~~6.04.060 — Application for exemption required. REPEALED~~

~~Except for those minors conducting exempt activities in accordance with BMC 6.04.050 (3) and (6), any person claiming exemption from the requirements of this article shall file with the city administrator the usual registration application and an affidavit setting forth the facts sufficient to show the application of this section and their right to such exemption. Nonprofit organizations claiming exemption for a community event and/or festival shall supply to the city a list of all temporary vendors that took part in the civic event, along with the vendor's state tax identification number.~~

6.04.070 Applicable regulations.

(1) Agents Responsible for Obtaining License. The representatives of nonresidents who are doing business in the *eCity* shall be personally responsible for the compliance of their principals, and the businesses they represent, with this chapter.

(2) Separate License for Branch Establishments. A license shall be obtained in the manner prescribed in this chapter for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. Location of such warehouses and distributing plants shall be shown on the application for the business license, and must comply with the provisions of all *eCity* codes.

(3) Joint Operation. A person engaged in two or more businesses at the same location shall be required to obtain separate licenses for conducting each of the businesses.

(4) Seasonal Sales License.

(a) A seasonal sales license may be acquired for the purpose of:

- (i) Selling concessions at a concession stand at sporting events, such as softball games, baseball games and football games;
- (ii) Selling ice cream, other dairy products and related products, which do not meet the exempt status of BMC 6.04.050(7), from a motor vehicle;
- (iii) Selling seasonal perishables such as fresh fruits and vegetables, which do not meet the exempt status of BMC 6.04.050(7); and
- (iv) Selling such items such as food, toys, jewelry, goods, art and/or crafts from a temporary stand when associated and located at the *eCity* Saturday Market.

(b) In order to obtain the license for concessions, seasonal perishables, or a temporary stand located at the Saturday Market, a seasonal business license must be obtained from the ~~city administrator~~ *City Clerk*. The application shall require the applicant to provide, at a minimum, the following information:

- (i) The name of the applicant and all persons to be employed by the applicant within the *eCity*;
- (ii) The applicant's employer's business address and state tax identification number;
- (iii) The requested dates and the location of anticipated sales;
- (iv) Such other information as the ~~city administrator~~ *City Clerk* finds necessary in order to run background checks on the applicant, his agent/employees and the applicant's employer.

(c) Seasonal sales permits shall be valid for a duration not to exceed 120 days of use in a calendar year and the application shall be accompanied by a fee established by resolution of the *eCity eCouncil*.

(d) The ~~*eCity Administrator*~~ may restrict the hours of operation, the dates of operation, and the locations of operation should he find that it is necessary to do so in order to protect the public health, safety and welfare. The applicant may appeal said restrictions to the *eCity eCouncil* pursuant to the appeal process in BMC 6.04.150.

(e) It shall be a violation of this section to operate such business except within the times, dates and other restrictions placed upon the seasonal sales license.

(5) Special Event/Festival License.

(a) A special event/festival license may be acquired for the purpose of:

- (i) Conducting a one-time special event such as a carnival, community festival, outdoor affair and sales, and events of a similar nature not to exceed three consecutive calendar days per event.

(b) Special event licenses shall be issued to one individual and/or sponsoring agency and shall cover all vendors participating in the event.

(c) In order to obtain a special event license, ~~an application~~ a *City Event Application* must be submitted to the ~~city administrator~~ *City Clerk* that includes the following information:

- (i) The name of the applicant and/or sponsoring agency and a contact person;
- (ii) The applicant's and/or sponsoring agency's business address;

- (iii) A contact and business name along with state identification number for each vendor participating in the event;
- (iv) The requested dates and the location of the anticipated event;
- (v) Such other information as the *eCity Administrator* finds necessary in order to protect the public health, safety and welfare.

(d) Special event licenses shall be valid for a period not to exceed three consecutive days per event and the application shall be accompanied by a fee established by resolution of the *eCity Council*.

(e) The *eCity Administrator* may restrict the hours of operation, the dates of operation, and the locations of operation should he find that it is necessary to do so in order to protect the public health, safety and welfare. The applicant may appeal said restrictions to the *eCity Council* pursuant to the appeal process in BMC 6.04.150.

(6) Adult Business License. In addition to satisfying the requirements of this chapter, individual(s) applying for a business license to operate an adult entertainment facility as defined in BMC 6.12.030 must also satisfy all requirements specified in Chapter 6.12 BMC for the licensing and operation of such adult entertainment facility.

(7) Home Occupations. In addition to satisfying the requirements of this chapter, individual(s) applying for a business license to operate a home-based business (home occupation) from their dwelling as defined in BMC 6.04.020 and 19.32.020 must also satisfy all requirements specified in Chapter 19.32 BMC for the licensing and operation of such home occupation.

6.04.080 Temporary business licenses.

(1) The *eCity Administrator* shall be authorized to issue temporary business licenses for a duration not to exceed 120 days in a calendar year for any temporary or transient business as defined in BMC 6.04.020; provided, however, the *eCity Administrator* may impose restrictions upon the license for the protection of the public, where appropriate, as follows:

(a) Hours of operation shall be limited so as to protect the public from unnecessary noise, light and traffic congestion.

(b) The location of operations may be limited to protect the public health, safety and welfare; however, the license may be obtained only for operations within the RB, B-1, B-2, IP and P zones.

(c) No temporary business shall be operated on any site without the express consent of the owner thereof. The applicant shall be required to provide a signed consent from the property owner prior to the issuance of a license.

(d) Other than those business activities exempted in BMC 6.04.050(1) through ~~(7)-(8)~~, no peddling, solicitation or door-to-door sales shall be permitted in residential areas of the *eCity*.

(e) In conducting the temporary business, the applicant shall comply with all state and federal laws, and all *eCity* ordinances and resolutions which are applicable to the use or the conduct thereof.

(f) Each site occupied by a temporary business shall be kept free of debris and litter, and upon completion or removal of the temporary business, all debris, litter or other evidence of the temporary business shall be removed.

(g) Each site occupied by a temporary business must provide or have available sufficient off-street parking and vehicular maneuvering area and access for customers. Each such site must provide safe and efficient interior circulation and ingress and egress from a public right-of-way.

(h) In the event that a temporary business is conducted within an established parking area, no more than 25 percent of the parking spaces may be occupied by or devoted to the temporary business use.

(i) No temporary business shall occupy or be conducted on public rights-of-way, parks or other public lands in any manner unless specifically approved by the *eCity eCouncil*. In the event that such occupation or use is authorized, the applicant shall be required to furnish liability insurance with the *eCity* as a named insured, in an amount to be determined by the *eCity eAdministrator* commensurate with the risk associated with the conduct of the temporary business.

(j) All signs used in connection with any temporary business shall comply with the applicable sign regulations of the *eCity*.

(k) All temporary businesses shall obtain, prior to the conduct of the business or occupancy of any site, all required *eCity* permits, licenses or other approvals, e.g., building permits, conditional use permits, etc.

(l) The licensee shall maintain a current state retail sales tax number on file with the *eCity* for the duration of the temporary business. *All applicants shall utilize the City sales tax number (2702) when filing their sales tax reports with the State for all items sold within the City.*

(m) The temporary business shall comply with all applicable standards of the county health department.

(n) No temporary business shall adversely impact the public health, safety, or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(o) All personnel engaged in the temporary business shall remain fully clothed at all times and shall be neat and orderly in appearance.

(p) Temporary businesses shall not use loud- speakers or other mechanical or audio devices which project sound beyond the area occupied by the temporary business. Vendors shall not yell, shout or hawk their goods or services in such a manner that sound is audible beyond the immediate premises on which the temporary business is conducted.

(q) The *eCity eAdministrator* may impose other regulations reasonably related to the health, safety and welfare of the citizens of the *eCity* before the granting of a temporary business license under this section.

(2) When the *eCity eAdministrator* determines that there may be excessive liability or danger to the *eCity* or its citizens, the *eCity eAdministrator* shall submit the temporary business license application to the *eCity eCouncil* and the *eCouncil* shall make final determination as to whether the temporary business license should issue.

(3) Applicants for a temporary business permit shall apply for the license as set forth in BMC 6.04.100 and shall pay the fees as set forth in BMC 6.04.110. Any licensee or affiliated entity may apply for no more than one permit in any calendar year.

~~6.04.090 — Duties of city administrator. REPEALED~~

~~The city administrator shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:~~

~~(1) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers;~~

(2) Submit all applications, in a proper case, to interested city officials for their endorsements thereon as to compliance by the applicant with all city ordinances and regulations which they have the duty of enforcing;

(3) Notify all applicants that they shall utilize the city sales tax number (2702) when filing their sales tax reports with the state for all items sold within the city.

6.04.100 Procedure for issuance of license.

(1) Every person required to procure a license under the provisions of any ordinance or regulation of the city shall submit an application for such license to the city administrator upon a form provided by said officer. The applicant shall be required to provide all information requested on said form and failure to do so shall be grounds for refusing to issue the business license. In addition, the city administrator, from time to time, may request from a person holding a business license that they supply to the city administrator an update of the information that was given on the original license application. Failure to supply said update as requested shall be sufficient grounds for revocation of the business license.

(1) Every person required to procure a business license under the provisions of any ordinance or regulation of the City shall submit an application for such license through the Business License Services division of the Washington State Department of Revenue at <https://bls.dor.wa.gov/>.

(2) The application for license shall be accompanied by the full amount of the fee chargeable for such license and said fee shall be nonrefundable.

(2). Once the application has been completed online, the application is forwarded to the City for review. If approved, the City will notify Business License Services at which time, the applicant is able to print off a copy of their license and an original license will be mailed to the applicant in approximately 7-10 days.

(3) The city administrator shall issue a receipt to the applicant for the money paid in advance. Such receipt shall not be construed as the approval of the city administrator for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter or this code.

(3). If the City denies the business license application, the applicant will be notified by the City regarding all additional information required by the City in order to approve the business license.

(4) A duplicate license or a special permit shall be issued by the city administrator to replace any license previously issued, which has been lost, stolen, defaced or destroyed without any willful

conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and the paying to the city administrator the fee of \$20.00.

6.04.110 Determination of license fee.

License fees shall be in the amounts listed within the ~~fees, fines and rates~~ *City's Taxes, Rates & Fees* schedule established by resolution of the *eCity eCouncil*.

6.04.120 Mailing of notices.

Any notices required by this chapter to be mailed to any licensee or applicant shall be sent by regular mail, addressed to the address of the licensee or applicant as shown by the records of the ~~city administrator~~ *City Clerk*, or if no such address is shown, to such address as the ~~city administrator~~ *City Clerk* is able to ascertain by reasonable effort. Failure of the licensee or applicant to receive such mailed notice shall not release the licensee or applicant from any fees or penalties thereon, nor shall such failure to receive such notice extend any time limit set by the provisions of this chapter.

6.04.130 License fee in addition to others.

The license fee levied in this section shall be in addition to any other fees provided for in any other ordinance or chapter of this code, except as otherwise expressly provided in this chapter.

6.04.140 Inspections – Right of entry.

The *eCity eAdministrator* or designee, specifically including the code enforcement officer, the building official, the police department, or the fire district, are authorized to make such inspections of premises during business hours and take such action as may be required to enforce the provisions of this chapter or any other ordinance regulating businesses.

6.04.150 Appeals.

Any person aggrieved by a determination of the *eCity of Buckley eAdministrator* may appeal such determination to the *eCity eCouncil* pursuant to this section.

(1) An applicant or licensee under this chapter must appeal the decision for revocation, suspension, or denial within 10 days of the mailing of the notice of revocation, suspension, or denial by filing a notice of appeal with the *eCity eAdministrator*. Upon receipt by the *eCity eAdministrator* of the appeal notice, a hearing shall be held before the *eCity eCouncil*. Notice of the hearing shall be given to the appellant at least 10 days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his or her own behalf.

(2) The decision by the *eCity eCouncil* shall be rendered within five days of the close of the hearing. The decision shall be in writing and shall:

- (a) Affirm the *eCity* ~~*Administrator's*~~ decision; or
- (b) Revise or modify the *eCity* ~~*Administrator's*~~ decision.

(3) The decision by the *eCity eCouncil* is final unless an appeal of the decision of the *eCity eCouncil* is filed with superior court within 21 calendar days from the date the *eCity eCouncil's* decision was personally served upon or was mailed to the appellant. The decision for suspension or revocation of a license under this chapter shall be stayed during administrative and judicial review, but refusal to issue an initial license shall not be stayed.

6.04.160 Enforcement and penalties.

(1) It is unlawful for any person, either directly or indirectly, to conduct any business for which a license or permit is required by any regulation or ordinance of the *eCity* without a license or permit therefore being first procured and kept in effect at all such times as required by this chapter or other regulation or ordinance of the *eCity*.

(2) Any license fee due, unpaid and delinquent under this chapter, and all penalties thereon, may be collected by civil action, which remedy shall be in addition to any and all other existing remedies and penalties provided by other sections of this code.

(3) The *eCity* ~~*Administrator*~~ may revoke the license issued to any licensee who shall fail to comply with any of the provisions of this chapter. Notice of such revocation shall be mailed to the licensee by the *eCity* ~~*Administrator*~~, and on and after the date thereof any such licensee who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties herein provided.

(4) The *eCity* ~~*Administrator*~~ shall revoke the business and occupation license issued to any licensee who shall fail to comply with any of the provisions of the municipal code requiring such licensee to procure and maintain any other regulatory or revenue license, and to pay taxes to the *eCity*, whether sales tax, use tax, gambling tax or other tax imposed by the *eCity* or the state upon such licensee.

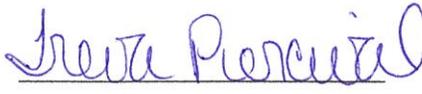
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five days after publication.

Introduced, passed, and approved by the Buckley City Council on this 9th day of October, 2018.


Mayor Pat Johnson

Attest:


Treva Percival, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: October 17, 2018

EFFECTIVE: October 22, 2018