

## Title 5

### BUSINESS LICENSES AND REGULATIONS

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#### Chapter 5.04

### BUSINESS LICENSES AND REGULATIONS

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**5.04.010 Definitions.**

“Business License” means a license issued by the City authorizing a Person to engage in business within the City.

“City” shall mean the City of North Bonneville.

"Person" or "company," herein used interchangeably, means any individual, receiver, assignee, trust, estate, firm, corporation, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise. (Ord. 1108, 2018; Ord. 863 (part), 2004; Ord. 628 § 2(a--d), 1988)

**5.04.020 Engaging in Business – Defined**

“Engaging in business”

A. 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 conducting such business.

B. 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 (A). 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.

C. Without being all inclusive, any one 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.

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.
2. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

3. Soliciting sales.
4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
5. 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.
6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
8. Collecting current or delinquent accounts.
9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
10. 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 listing of homes and managing real property.
11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
13. 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.
14. Investigating, resolving, or otherwise assisting in resolving customer complaints.
15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of goods took place.
16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

D. 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.

1. Meeting with suppliers of goods and services as a customer.
2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
3. 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.
4. Renting tangible or intangible property as a customer when the property is not used in the city.
5. Attending, but not participating in a "trade show" or "multiple vendor events".
6. Conducting advertising through the mail.
7. Soliciting sales by phone from a location outside the City.

E. A seller located outside the City merely delivering goods in 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 those in subsection (D.). The City expressly intends that engaging in business include any activity sufficient to establish a 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. (Ord. 1108, 2018)

**5.04.030 License required.**

A. No person shall engage in any business or business activity as defined in Sec. 5.04.020 within the City without first being issued a Business License.

B. Each person engaging in any business or business activity shall register with the City immediately upon commencing business in North Bonneville on forms provided by the City, and renew within twenty (20) days after January 1st of each year.

C. A Business License is not transferable. A person acquiring an existing business in the City must obtain a new Business License.

D. The Business License issued by the City shall be displayed in a conspicuous place on the premises identified on the License.

E. This Section applies regardless of whether a fee is owed for obtaining a Business License as provided in this Chapter.

F. A separate Business License shall be obtained for each separate location within the City at which the business is conducted. A separate Business License shall be obtained for each different and discrete business conducted by any person, whether at the same location, within the City, as another licensed business, or at a different location within the City.

G. To the extent set forth in this section, the following persons and business shall be exempt from the registration, license and/or license fee requirements outlined in this Chapter:

1. 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 of this Chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

2. Non-profit organizations recognized by the Federal Government as a 501(c)(3) organization, with proper documentation are exempted from the requirement to pay fees associated with the issuance of a Business License as required by this Chapter. Applicants are required to provide one of the following:

- a. Form 1023, Application for Recognition of Exemption; or
- b. IRS Determination Letter; or
- c. IRS Affirmation Letter

However, non-profit organizations are still required to apply for and obtain a valid Business License and comply with all other provisions of this Chapter. (Ord. 1108, 2018; Ord. 628 § 3 (¶ 1, 4), 1988)

**5.04.040 Fees.**

The fees for Business Licenses shall be set by resolution of the City Council. (Ord. 1108, 2018; Ord. 1091, 2018; Ord. 863 (part), 2004; Ord. 628 § 4 (¶ 1, 2), 1988)

**5.04.050 Revocation of license.**

Licenses issued under the provisions of this chapter may be revoked by the City of North Bonneville after notice for any of the following cases:

A. Fraud, misrepresentation, or false statement contained in the application for license or carrying on his business;

B. Any violation of this Chapter;

C. Conviction of any crime or misdemeanor involving moral turpitude;

D. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Notice for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint. (Ord. 628 § 6, 1988)

**5.04.060 Appeal.**

Any person aggrieved by the action of the City in the denial of an application for license as provided for in this chapter or with reference to the revocation of a license, or in the denial of exemption status, shall have the right of appeal to the Council of the City of North Bonneville. Such appeal shall be taken by filing with the Council within the fourteen (14) days after notice of the action. The Council shall set a time and place for a hearing on such appeal and notice shall be given to the appellant. The decision and order of the Council on such appeal shall be final and conclusive. (Ord. 1108, 2018; Ord. 628 § 7, 1988)

**5.04.070 Violation--Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter, upon conviction thereof, shall be punishable by a fine in accordance with Section 7.01.020(D) of this code. (Ord. 885, 2005; Ord. 628 § 8, 1988)

**Chapter 5.05**

**MEDICAL CANNABIS COLLECTIVE GARDEN SAFETY LICENSE**

**Sections:**

- 5.05.010 Purpose**
- 5.05.020 License required**
- 5.05.030 Procedure**
- 5.05.040 Renewal**
- 5.05.050 Appeal and hearing**

**5.05.010 Purpose**

The medical cannabis collective garden safety license is to ensure the garden is operated in a manner that protects the public's safety, health and general welfare and located in a structure that can safely accommodate the use and that has adequate mechanical systems and utilities for use. Issuance of the license shall not be construed to authorize, permit or approve any violation of federal or state law. (Ord. 1009, 2012)

**5.05.020 License required**

- A. A Collective Garden Safety License shall be obtained prior to operation of any medical cannabis collective garden.
- B. The license must be on display on the premises at all times. (Ord. 1009, 2012)

**5.05.030 Procedure**

- A. Collective Garden Safety License applications shall be submitted to the city accompanied by the license fee established by City Council resolution. The applicant must also pay to the city all reasonable expenses associated with the review of an application, including legal and consulting fees. Such costs shall be paid to the city prior to the approval of an application.
- B. Issuance of the license shall occur only after an inspection of the site by representatives of the City of North Bonneville Planning, Building and Fire Departments and verification that all of the requirements of chapter 20.24 NBMC have been complied with.
- C. If more than one site inspection is required to obtain approval, an additional inspection fee, as established by City Council resolution, shall be charged and paid before a license can be issued.
- D. If all requirements for approval are satisfied, the license shall be issued by the city prior to start of operations. (Ord. 1010, 2012; Ord. 1009, 2012)

**5.05.035 Compliance**

The city reserves the right to inspect the premises to insure compliance with all applicable laws, codes and regulations. In the event a violation of Title 69 of the Revised Code of Washington is observed, the inspecting authority shall notify the law enforcement provider for the city.

In addition to possible penalties under chapter 5.05.060, violating or failing to comply with any of the provisions of this chapter or chapter 20.24 NBMC shall cause the Collective Garden Safety License to be revoked. (Ord. 1010, 2012)

**5.05.040 Renewal**

The Collective Garden Safety License shall be renewed annually. License renewal applications shall be processed as follows:

A. The license renewal fee, as established by City Council resolution, shall be submitted with the license renewal application to the city.

B. License renewal applications shall only be approved following a site inspection and verification that all City requirements for a medical cannabis collective garden have been met.

C. If more than one site inspection is required to obtain approval, an additional inspection fee, as established by City Council resolution, shall be charged and paid before a license can be approved and issued. (Ord. 1009, 2012)

**5.05.050 Appeal and hearing**

Any person aggrieved by the action of the city in denying, refusing to renew, or revoking any license under this chapter shall have the right to appeal such action following the procedure set forth in NBMC 5.04.070. (Ord. 1009, 2012)

**5.05.060 Violation - penalty**

Any person violating or failing to comply with any of the provisions of this chapter, upon conviction thereof, shall be punishable by a fine in accordance with Section 7.01.020(F) of this code. (Ord. 1009, 2012)

**Chapter 5.06**

**MOBILE AND ITINERANT VENDORS**

**Sections:**

- 5.06.010 Purpose.**
- 5.06.020 Definitions.**
- 5.06.030 License – Required.**
- 5.06.040 Exemptions.**
- 5.06.050 Limitation on activities permitted by stationary vendor license.**
- 5.06.060 Limitation on activities permitted by mobile vendor license.**
- 5.06.070 Application.**
- 5.06.080 Investigation and determination.**
- 5.06.090 Fees.**
- 5.06.100 Expiration of license.**
- 5.06.110 Exhibition of license – Transfer.**
- 5.06.120 Health regulations.**
- 5.06.130 Stationary vendor standards.**
- 5.06.140 Mobile vendor standards.**
- 5.06.150 Mobile vendor insurance requirement.**
- 5.06.160 Revocation of license.**
- 5.06.170 Appeal.**

### **5.06.010 Purpose.**

The purpose of this chapter is to:

- A. Maintain the aesthetic attractiveness of city rights-of-way and city property, including without limitation the parks, ball fields, boat launch, open spaces and other city owned properties.
- B. Promote public safety and orderly movement of pedestrians and, where designated, drivers who use city rights-of-way and/or city property;
- C. Protect the city's business community by eliminating the inequity faced by stationary businesses that compete with itinerant and mobile businesses who may be operating without city business licenses and outside the regulatory authority of the city, which unfair competition threatens to erode city tax revenues and undermine the strength of its commercial life;
- D. Reduce the potential for urban blight by encouraging development of permanent structures from which businesses can operate in the city;
- E. Establish better recordkeeping and data collection practices which can assist police in improving safety and reducing crime throughout the city; and
- F. Promote compliance with relevant building, fire, health and safety codes by those who wish to conduct business within the City of North Bonneville. (Ord. 1011, 2012)

### **5.06.020 Definitions.**

Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

“Concessionaire” means a person, firm or corporation engaged in the sale of food or other goods or services in a city park, on designated city rights-of-way, or on other city property, including without limitation those who operate or maintain a concession stand, in accordance with a written agreement or franchise therefor as lawfully approved in writing by the city.

“Food” has its usual and ordinary meaning, and includes all items designed for human consumption, including, but not limited to, ice cream, candy, gum, popcorn, hotdogs, sandwiches, peanuts, soft drinks, coffee and dairy products.

“Itinerant vendor” means a person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a business of selling goods, wares, food, fishing bait or gear, merchandise of any kind or description and who commonly conducts such business either (a) in or about a structure that is not permanently affixed to real property, or (b) by traveling from place to place, customer to customer, or client to client (as such terms are commonly known) for the purpose of conducting business with customers or clients located within the City of North Bonneville. A person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of a local dealer, trader, merchant or auctioneer.

“Mobile vendor” means an itinerant business operator or vendor who conducts business from a vehicle or other conveyance upon public streets, sidewalks, alleys, or other public ways of the city.

“Public celebration” means the Gorge Days, Car Show or any other kind of public celebration designated by the city council, including the associated activities and concessionaires that might be authorized during such period.

“Stationary vendor” means an itinerant vendor who conducts business (a) from a vehicle or other conveyance, or (b) in or about a structure that is not permanently affixed to real property. Such vendors shall be located upon privately or publicly owned property that is zoned for commercial use, but not on a public street, sidewalk, alley or public way of the city. (Ord. 1011, 2012)

**5.06.030 License – Required.**

It is unlawful for an itinerant business operator or vendor to engage in business within the City of North Bonneville except when licensed as a stationary or mobile vendor in compliance with the provisions of this chapter. A separate license shall be required for each location of a stationary vendor and for each vehicle or other conveyance engaged by a mobile vendor. (Ord. 1011, 2012)

**5.06.040 Exemptions.**

The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from coverage of this chapter, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- A. Newspaper couriers;
- B. Lemonade stands;
- C. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while travelling or while located on city streets or property;
- D. Delivery or distribution of food or goods by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank; and
- E. Concessionaires as defined in this chapter, except that concession agreements with the city shall include health, sanitation and insurance requirements generally conforming to those established for similar businesses and vendors covered by this chapter. (Ord. 1011, 2012)

**5.06.050 Limitation on activities permitted by stationary vendor license.**

Stationary vendors shall be limited to the business of selling Christmas trees, fireworks, flowers, produce or food. (Ord. 1011, 2012)

**5.06.060 Limitation on activities permitted by mobile vendor license.**

Mobile vendors shall be limited to the business of selling prepared food, flowers, produce or other goods. (Ord. 1065, 2016; Ord. 1011, 2012)

**5.06.070 Application.**

A person, firm, or corporation desiring to secure a license as a stationary or mobile vendor shall make application to the city on forms approved by the city. In addition to any items required by written order of the city, which shall be kept on file by the city, such application shall provide:

- A. The name or names and address of the applicant, vehicle license numbers of all vehicles from which the applicant proposes to conduct business; description of the general type of goods, wares, merchandise or food proposed to be sold by the applicant; the place or places where the applicant proposes to engage in business.
- B. Each application shall be accompanied with the applicable application and/or license fee as established in this chapter, or as lawfully adjusted by the city, which fee schedule shall be on file with the city.
- C. Each license application for a stationary vendor shall be accompanied with the following information to establish compliance with NBMC 5.06.130 (Stationary vendor standards) and other applicable codes:
  - 1. A notarized written authorization from the business owner (or property owner, if different than the license applicant) to conduct the applicant's business at the place so noted on the application.
  - 2. A statement explaining the method of trash and litter disposal being proposed by the vendor.
  - 3. A drawing of a scale not greater than 50 feet per inch and not less than 10 feet per inch, which drawing shall depict the following information:
    - a. The portion of the property to be occupied by the business;

- b. The portion of the property to be used for automobile parking and the number of automobiles accommodated in said area;
  - c. The location of driveways providing ingress and egress to the property;
  - d. The location of existing buildings and structures located on the property noting the use of each building or structure so identified; and
  - e. The proposed placement of any lighting or signage on or about the vehicle, conveyance or other nonpermanent structure from which business is to be conducted.
4. A description of any equipment or devices that will generate noise of any sort in or about the vehicle, conveyance or other nonpermanent structure from which business is to be conducted. (Ord. 1011, 2012)

**5.06.080 Investigation and determination.**

Upon receipt of such application, the city shall cause such investigation of such person's or persons' business responsibility to be made as is deemed necessary to the protection of the public good and shall refer the application to the planning department for its determination as to compliance with standards and requirements of this chapter. An application shall be denied by the city upon written findings that the applicant's business responsibility is unsatisfactory or that the proposed business activity will violate any applicable law, rule or regulation. A license issued under this chapter shall contain the number on the license, the date same was issued, the nature of the business authorized to be carried on, the amount of license fee paid, the expiration date of said license, the place where said business may be carried on under such license and the name or names of the person or persons authorized to carry on the same. The city shall keep a record of all licenses issued under this chapter. (Ord. 1011, 2012)

**5.06.090 Fees.**

Pursuant to NBMC 5.06.070, applications shall be submitted to the city on such forms together with a registration fee as set by resolution of the city council. A separate application and license shall be required for each location of a stationary or mobile itinerant vendor. (Ord. 1011, 2012)

**5.06.100 Expiration of license.**

A license issued under the provisions of this chapter shall expire at the end of the calendar year for which it was purchased. (Ord. 1011, 2012)

**5.06.110 Exhibition of license – Transfer.**

A license issued under this chapter shall be posted conspicuously at the place of business authorized therein and shall not be transferred to any other person, firm, corporation or location. (Ord. 1011, 2012)

**5.06.120 Health regulations.**

All food vendors shall comply with all laws, rules and regulations regarding food handling and all vehicles, equipment, devices or structures used for the preparation, handling, storage, transportation and/or sale of food shall comply with WAC 246-215-050, as presently worded and as may be amended by law, in addition to any other rules and regulations respecting such vehicles, equipment, devices or structures as may be established by the county health department. (Ord. 1011, 2012)

**5.06.130 Stationary vendor standards.**

In addition to any other requirements set forth in this chapter or otherwise provided by law, all stationary vendors licensed under this chapter shall conform to the following standards:

A. Geographical Restrictions. No stationary vendor shall sell or vend within 300 feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the stationary vendor.

B. Stationary vendors shall only be licensed for locations in the CBD, C-1, MU, I/BP and CR zones.

C. Stationary vendors shall locate their vehicle, other conveyance, temporary stand or merchandise in accordance with any setback requirements as determined by the city.

D. No signs or signage shall be permitted other than that which can be contained on the vehicle or conveyance utilized to sell and other signage as allowed in the location's zone.

E. No vehicle, other conveyance or temporary stand shall locate closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.

F. All stationary vendors shall place at least one 30-gallon garbage receptacle upon the site of business for customer use.

G. Licensed stationary vendor sites shall be cleaned of all debris, trash and litter at the conclusion of daily business activities.

H. All merchandise, goods, wares or food shall only be displayed or offered for sale from the vendor's licensed conveyance or stand.

I. All vehicles, other conveyances, or temporary stands shall be equipped with at least one 2A-40-BC fire extinguisher. (Ord. 1011, 2012)

#### **5.06.140 Mobile vendor standards.**

All mobile vendors licensed under this chapter shall conform to the following standards:

A. Geographical Restrictions. No mobile vendor shall sell or vend from his or her vehicle or conveyance:

1. Within 400 feet of a public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school; or
2. Within 300 feet of the entrance to a business establishment which is open for business and is offering for sale the same or similar product as an item offered for sale by the mobile vendor; or
3. Within 300 feet of a restaurant, cafe, or eating establishment which is open for business; or
4. Within 300 feet of a public park of the city where a city authorized concession stand is located during times other than during the course of a public celebration except as approved by the city; or
5. Within 300 feet of other city property where a city authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food; or
6. Within any one block for more than one hour in any four-hour period; except this shall not apply in those situations where the mobile vendor is serving organized and sanctioned community-sponsored ball games at public parks and schools provided there is no city-approved concession in the park or at the school.

B. No mobile vendor shall conduct business so as to violate any ordinances of the city, including those regulating traffic and rights-of-way, as now in effect or hereafter amended.

C. No mobile vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.

D. No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.

E. All mobile vendors shall provide garbage receptacles for customer use.

F. No mobile vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.

G. At the conclusion of business activities at a given location the mobile vendor shall clean all the public way surrounding his or her vehicle of all debris, trash and litter generated by the vendor's business activities.

H. All mobile vendors preparing food by cooking, frying or other means shall be equipped with at least one 2A-40-BC fire extinguisher.

I. All mobile vendors shall conclude daily business activities at sunset. (Ord. 1011, 2012)

**5.06.150 Mobile vendor insurance requirement.**

No license shall be issued to a mobile vendor selling from a truck or other motor vehicle unless a certificate is furnished to the city showing that the vendor is carrying personal injury and liability insurance in an amount not less than Five Hundred Thousand dollars, (\$500,000.00). (Ord. 1011, 2012)

**5.06.160 Revocation of license.**

A license issued pursuant to this chapter may be revoked, in writing, by the city for any of the following reasons:

- A. Any fraud, misrepresentation or false statement contained in the application for license;
  - B. Any fraud, misrepresentation or false statement made in connection with the selling of products;
  - C. Any violation of this chapter;
  - D. Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude; or
  - E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
  - F. Termination of licensee's license agreement with the city by default or otherwise under its terms.
- (Ord. 1011, 2012)

**5.06.170 Appeal.**

A person aggrieved by the denial of an application for a license, a license renewal, or by the revocation of a license as provided for in this chapter shall have the right to appeal such administrative decision to the city council. (Ord. 1011, 2012)