

ORDINANCE NO. 400

AN ORDINANCE relating to the licensing of temporary businesses: Repealing the original Ordinance No. 41; and, adopting new provisions to define terms, establish fees, and define penalties for violations.

WHEREAS, the Gig Harbor City Council determined that Ordinance No. 41 does not adequately address nor regulate all temporary business operations; and

WHEREAS, the Gig Harbor City Council determined it necessary to continue the licensing and regulation of temporary businesses; NOW THEREFORE,

The City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Ordinance No. 41 entitled: "AN ORDINANCE relating to the licensing of peddlers, canvassers and transient auctioneers and merchants, and providing penalties for violation thereof: is hereby repealed.

The City Council further ordains as follows:

Section 2. Exercise of Revenue License Power. The provisions of this ordinance shall be deemed an exercise of the power of the City of Gig Harbor to license for revenue the privilege of engaging in temporary business in the City of Gig Harbor.

Section 3. License Required. It shall be unlawful for any person to engage in a temporary business in the City of Gig Harbor without first obtaining a license pursuant to the provisions of this ordinance.

Section 4. Definitions. For the purposes of this ordinance, words and phrases have the following meanings:

- A. BUSINESS shall mean all activities engaged in with the object of financial gain, benefit, or advantage to the licensee or to another person or class, directly or indirectly.
- B. LICENSE YEAR shall mean the calendar year.
- C. NONPROFIT shall mean that a nonprofit status was granted pursuant to the Internal Revenue Code of 1954.
- D. TEMPORARY shall mean operating less than thirty (30) days in a calendar year at a non-fixed or non-permanent location.

Section 5. Exemptions. Except as hereinafter provided, the provisions of this ordinance shall not apply to:

- (a.) Any edible products raised and sold by any farmer or gardener;
- (b.) Any edible fish or other edible aquatic animals taken from the water and sold by any fisherman;
- (c.) Merchants or their employees in delivering goods in the regular course of business;
- (d.) Any organization with a non-profit status; and,
- (e.) Persons delivering newspapers.

Section 6. Bond Required. Each applicant for a license shall file with an application a good and sufficient bond in the sum of five hundred dollars which shall be approved by the City Attorney.

Section 7. License Fees. The license fees for a temporary business shall be and are hereby fixed at twenty dollars (\$20.00) a day or four hundred dollars (\$400.00) per calendar year. The applicant shall select a per day or per year fee at the time of application.

Section 8. Method of Payment. The license fee shall be paid to the city by bank draft, certified check, cashier's check, personal check or money order or in cash. If payment is made by draft or check, the fee shall not be deemed paid unless the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the city be an acquittance or discharge of the fee unless the amount of the payment is in the full and actual amount due. Full payment shall be filed with the application.

Section 9. Responsibility for Licensing. Any person, firm or corporation employing any group of persons in any temporary business in the City of Gig Harbor shall be responsible for the licensing of all such persons so engaged, and failure to carry out this duty shall constitute a violation of this ordinance.

Section 10. City Clerk to Make Rules. The City Clerk shall adopt, publish and enforce rules and regulations not inconsistent with this ordinance for the purpose of carrying out the provisions thereof, and it shall be unlawful to violate or fail to comply with any such rule or regulation.

Section 11. Violation - Penalties. It shall be the duty of all persons operating a temporary business to comply with the provisions of this ordinance. Failure to comply shall be a violation and shall result in the application of one or all of the following penalties:

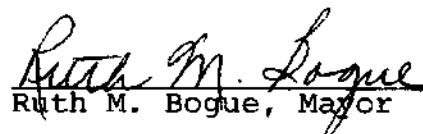
- A. The license shall be suspended or denied by the City Clerk until all fees and penalties are paid.
- B. The business owner shall be assessed a penalty in the amount of twenty-five dollars (\$25.00) for each and every day of violation.

Section 12. Fee and Penalties Constitute a Debt. Any license fee due and unpaid under this ordinance, and all penalties thereon, shall constitute a debt to the City of Gig Harbor and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

Section 13. Severability. If any provision or section of this ordinance shall be held void or unconstitutional, all other parts, provisions and sections of this ordinance not expressly so held to be void or unconstitutional shall continue in full force and effect.

Section 14. Effective Date. This ordinance is effective and in full force five (5) days following its approval, passage, and publication by law.

PASSED by the City Council and APPROVED by the Mayor at a regular meeting this 13th day of September, 1982.


Ruth M. Bogue
Ruth M. Bogue, Mayor

ATTEST:


Jeffrey Unide
Administrator/Clerk