

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.05

BUSINESS LICENSES

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Article I. Business Licenses

5.05.010 Provisions.

The provisions of this chapter shall be deemed an exercise of the power of the town of La Conner, Washington to license for regulation and revenue. [Ord. 569 § 1, 1989.]

5.05.020 Definitions.

In constructing this article, except when otherwise plainly declared or clearly apparent from context, the following definitions shall be applied:

- (1) “Person” means any individual, firm, co-partnership, corporation, association, or any group of individuals acting as a unit.
- (2) “Engage in business” or “engaging in business activities” means commencing, conducting or continuing any business venture for profit, including the exercise of corporate or franchise power as well as liquidating a business when the liquidation thereof is for profit. Engaging in business includes

but is not limited to the creation, manufacture, sale, distribution, or trade of any product, service, or commodity; the provision of any professional service; the sale of any food or beverage whether for consumption on site or off. [Ord. 569 § 2, 1989.]

5.05.030 Business license required.

(1) No person shall engage in or carry on any business, occupation, pursuit or privilege for which a license fee is imposed by this article without first having obtained, and being the holder of, a valid and subsiding license to do so, to be known as a “business license.”

(2) The provisions of this article shall not apply to any nonprofit association or corporation which is exempt from the payment of taxes. [Ord. 569 § 3, 1989.]

5.05.040 Peddler’s license.

No person shall sell, or attempt to sell, any goods, articles, or things of value by peddling, selling, or attempting to sell the same from along the streets, whether moving or stationary, from house to house or from door to door without obtaining a business license therefore in the manner set forth herein. The fee shall be \$10.00 per day per person.

The organization sponsoring a single event of no more than three days’ duration and involving multiple vendors may satisfy the requirements of this provision by applying for and obtaining a master peddler’s license. To obtain the master peddler’s license, the sponsoring organization shall complete an application which lists the number of vendors, vendor locations, the dates each vendor will be engaging in open air vending and shall include the authorization from the town allowing the special use for the event. Additionally, the sponsoring organization shall pay the fee for the master peddler’s license prior to the event. The fee for the master peddler’s license shall be \$10.00 per day, per vendor. [Ord. 903 § 1, 2003; Ord. 569 § 4, 1989.]

5.05.050 Business license fee.

The business license fee as required by this article shall be as follows for the four classes, except as noted in other sections:

- (1) Class 1. Each of the following businesses shall pay an annual license fee of \$225.00: taverns, restaurant/food purveyors serving liquor, grocery stores with over 2,000 square feet of sales area,

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manufacturing and other businesses employing 15 or more full-time or part-time employees, recreational vehicle parks, apartment houses/motels/hotels with five or more rental units.

(2) Class 2. Each of the following businesses are Class 2 and shall pay an annual fee of \$125.00: professional businesses including banking, accounting, medical, dental, legal, travel, realty, advertising, publishing, architecture, counseling, retail and food sales, lumber yards, petroleum sales, auto and boat repair, boat sales and charter services, commercial rental activities, and manufacturing with less than 15 full-time or part-time employees.

(3) Class 3. All other businesses as defined herein which are not indicated in Class 1 or Class 2 shall pay an annual fee of \$75.00. This includes businesses and individuals located outside the town limits engaged in sales or services within the town.

(4) Class 4. In addition to the beauty shop license as defined in Class 2, each cosmetology booth renter shall pay an annual fee of \$25.00.

(5) Each business located on First Street and Morris Street will be issued two annual parking permits for use in the town parking lot on S. Third Street. [Ord. 1018 § 1, 2009; Ord. 997 § 1, 2007; Ord. 619 § 1, 1992; Ord. 569 § 5, 1989.]

5.05.060 Expiration – Nontransferable – Separate locations – Posting.

(1) The business license referred to herein shall expire at the end of the calendar year for which it is issued, and a new license shall be required for each calendar year. A new applicant shall pay for the license fee applicable to his classification.

(2) Applications for the license shall be made to and issued by the town clerk on forms provided by the town, on which shall be stated the residence of the applicant, the nature of the business, the place where it is proposed to be conducted, the department of revenue ID number, whether the business is nonprofit or for profit, and the license fee applicable to its classification.

(3) Applications for the license shall be personal and nontransferable. In case business is transacted at two or more separate places by one person within the town of La Conner, a separate license for each place in which business is transacted with the public shall be required in accordance with the classification in this article set forth,

and the person shall pay for each place of business a fee in accordance with the classification. Each license shall at all times be conspicuously posted in the place of business for which it is issued.

(4) No person to whom a license has been issued pursuant to this article shall suffer to allow any other person for whom a separate license is required to operate under or display such license, nor shall any such other person operate under or display such license. [Ord. 569 § 6, 1989.]

5.05.070 Delinquency charge.

The business license required by the terms of this article shall be procured by the licensee prior to January 31st of the calendar year for which it is required, or prior to commencement of business in the town of La Conner, whichever date is later. For any license procured after the applicable date required herein, there is hereby assessed and there shall be collected by the town finance director, in addition to the required annual license fee, a delinquency charge of 20 percent of the annual license fee for each month or part of a month occurring between the time such license is procured and the time when same should have been procured, under the terms of this article. [Ord. 797 § 1, 2001; Ord. 569 § 7, 1989.]

5.05.080 Fee prorated.

The license fee for a person commencing operations after July 1st in any year shall be one-half of the applicable fee for the full year. [Ord. 569 § 8, 1989.]

5.05.090 Fee constitutes debt.

Any license fee due or unpaid under this article and all penalties thereon shall constitute a debt to the town of La Conner and may be collected by court proceedings in the same manner as may other debt in like amount, which remedy shall be in addition to all other existing remedies. [Ord. 569 § 9, 1989.]

5.05.100 Duty of licensee.

It shall be the duty of the licensee to procure the business license. [Ord. 569 § 11, 1989.]

Article II. Enforcement

5.05.110 Requirements.

No new business license shall be issued until such time as the applicant demonstrates that the business meets all the requirements of the La Conner Land Use Regulations as used herein, or as adopted or amended in the future. [Ord. 579 § 1, 1990.]

5.05.120 Review of applications.

Every application for a new business license and every renewal for a business, which has moved or changed its business purpose in the town of La Conner, shall be reviewed by the town planner, who shall determine whether the proposed business meets the requirements of the La Conner Land Use Regulations and all fees owing to the town of La Conner by the business or property are paid. The planner shall certify to the town clerk by notation upon the application whether the business meets the Land Use Regulations and fees are paid. [Ord. 986 § 5, 2007; Ord. 579 § 2, 1990.]

5.05.130 Notice of violation.

(1) At any time that the town planner has probable cause to believe that the holder of a business

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license is operating in violation of any provision of the La Conner Land Use Regulations, or in violation of any condition made a part of any permit granted by the town of La Conner or agreed to by the licensee, the planner shall issue to the business a notice to cease or correct the violation within 10 days of receipt thereof. The notice shall be sent by any form of U.S. mail requiring a return receipt. Notice may also be given to the business owner by being posted in a conspicuous place near any entrance commonly used to the business itself. The posted notice shall be served by the town marshal who shall complete an affidavit of service.

(2) The notice described in subsection (1) of this section shall state the nature of the violation in clear terms and shall refer to the section of any ordinance or statute which is violated, or to the specific condition or assurance which has been or is being violated. [Ord. 579 § 3, 1990.]

5.05.140 Suspension of license.

The business license of any business continuing to operate in violation of the La Conner Land Use Regulations, for more than 10 days after the receipt of the foregoing notices shall be immediately suspended by the town planner and shall immediately cease to do business until the violation is corrected or the planner is satisfied that sufficient arrangements for corrective action within reasonable amount of time have been made. [Ord. 579 § 4, 1990.]

5.05.150 Appeal of decision.

Any decision of the town planner with respect to issuance or suspension of a business license may be appealed to the town council. Such appeal must be filed with the town clerk no more than five days after receipt of notice of a decision by the planner to deny or suspend a business license. [Ord. 579 § 5, 1990.]

5.05.160 Notice of suspension or denial.

Notice of any suspension or denial of a business license shall be sent by certified mail to the applicant and/or posted at the premises as set forth in LCMC 5.05.130. For purposes of appeal, the date any certified letter is received or the date of posting of the premises shall be deemed the date of receipt by licensee or applicant. [Ord. 579 § 6, 1990.]

5.05.170 Hearing of appeal.

Upon receipt of a timely filed appeal, the town clerk shall set a hearing of the appeal at the next regular town council meeting which is at least 10 days after receipt of the appeal. The applicant shall have the burden of proof to show by a preponderance of evidence that it is in compliance with the La Conner Land Use Regulations or any conditions or assurance made in conjunction with the issuance of a permit. The licensee may be represented by counsel before the town council and all evidence by any parties shall be given under oath. The licensee shall have the right to cross-examine any witness in the appeal proceeding. The decision of the town planner may only be overruled by a majority vote of the councilmembers hearing the appeal. The mayor shall have the right to vote in case of a tie. [Ord. 579 § 7, 1990.]

5.05.180 Time limit.

Any appeal of the town council's decision to the superior court of the state of Washington shall be filed within five days of the town council's decision. [Ord. 579 § 8, 1990.]

5.05.190 Violation – Civil penalty.

Any person owning or operating a business in the town of La Conner as defined in this chapter, without a business license or while the business license is suspended, shall be guilty of a civil infraction and subject to a civil penalty as set forth and established in Chapter 1.15 LCMC. [Ord. 839 § 10, 2001.]

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Chapter 5.10

CABARET LICENSE

Sections:

- 5.10.010 Definitions.
- 5.10.020 Exemptions from license.
- 5.10.030 License – Required.
- 5.10.040 License – Application – Requirements – Information.
- 5.10.050 License – Application review and procedure.
- 5.10.060 License – Term – Renewal.
- 5.10.070 Performance standards.
- 5.10.080 Enforcement – Civil penalties – Violation of license requirements.

5.10.010 Definitions.

(1) “Cabaret” means any room, place or space whatsoever in the town of La Conner in which any music, singing, dancing or other similar entertainment is permitted in connection with any hotel, dance hall, restaurant, cafe, disco, tavern, eating place, directly or indirectly selling, serving, or providing the public with or without charge food or liquor. The words “music and entertainment” as used in this chapter shall not apply to radios.

(2) “Private dance” means any dance that is not open to the public. [Ord. 573 § 1, 1989.]

5.10.020 Exemptions from license.

Exempt from obtaining a cabaret license, but not the performance standards, shall be weddings, school functions, and private dances and special events under a town issued permit. [Ord. 573 § 2, 1989.]

5.10.030 License – Required.

It is unlawful for any person to conduct, manage, or operate a cabaret unless such person is the holder of a valid license from the town to do so, obtained in the manner provided in this chapter. [Ord. 573 § 3, 1989.]

5.10.040 License – Application – Requirements – Information.

Any person desiring to procure a cabaret license shall make application therefor in writing to the town council, which application shall state: Name, address, telephone number, date of birth, Social Security number and driver’s license number of

applicant, nature of entertainment or exhibition to be produced. [Ord. 573 § 4, 1989.]

5.10.050 License – Application review and procedure.

(1) Submittal. Application for such license shall be submitted to the town clerk with the fee amount paid at that time.

(2) Council Action/Approval. After due consideration of such information, if the town council deems that the licensee and the premises comply with the provisions of this chapter, they shall so advise the town clerk who shall issue the license.

(3) Denial/Public Hearing. If it is determined by the town council that the license should not be granted, then the town council shall, upon at least seven days’ notice to the applicant, hold a public hearing on the application, at which time the applicant shall be given an opportunity to prove that they are fully qualified for that license.

(4) Council Action/Final. If after such hearing, the town council finds that the license should not be granted, the application shall be denied. The action of the town council shall be final.

(5) Revocation. The town council reserves unto itself the power to revoke any license issued under the provisions of this chapter at any time where the following applies:

(a) Three violations, as determined by an officer of the La Conner police department, within a month result in a warning that if there are five violations in the following 12 months, that will be cause for revocation.

(6) Notice of Revocation. At least seven days before the revocation hearing, the town council shall cause a notice to be mailed by certified mail to the holder of the license, at the address at which the cabaret is being conducted. Such notice shall state the time and place of the revocation hearing. The licensee shall be entitled to be heard and introduce testimony of witnesses. The action of the town council after such hearing shall be final. [Ord. 573 § 5, 1989.]

5.10.060 License – Term – Renewal.

The fee for such cabaret license shall be \$25.00. This fee shall be in addition to other license fees that may be imposed by the town of La Conner.

Terms, renewal, transferability, and penalty shall be the same as for business licenses. [Ord. 573 § 6, 1989.]

5.10.070 Performance standards.

(1) Closing Hours. It is unlawful to allow music or dancing in any cabaret beyond the hour of 1:30 a.m. of any given day, except New Years' morning, January 1st.

(2) Maximum Noise Levels. All uses shall meet the requirements of the Maximum Environmental Noise Levels, Chapter 173-60 WAC and LCMC Title 15 and all other applicable federal and state regulatory agencies and shall not be loud enough to disturb a reasonable person in a properly zoned residence. The owner of the cabaret shall be strictly liable for all noise produced within the cabaret. Wherever possible, noise measurement for the purpose of enforcement shall be measured in dBa with a sound level meter with the point of measurement being at any point within the receiving property. [Ord. 573 § 7, 1989.]

5.10.080 Enforcement – Civil penalties – Violation of license requirements.

(1) Powers of Law Enforcement. The mayor or his or her designee shall have the power and duty to cite the individual or licensee, or cause any cabaret music or excessive noise to be abated.

(2) Free Access by Law Enforcement. It is unlawful for the owner, proprietor, manager or person in charge licensed under the provisions of this chapter to refuse admission to any town employee or any law enforcement officer of the state or any officer of the United States Government charged with the duty of enforcing the police laws of the United States. The officers shall have free access at all times to cabarets licensed under provisions of this chapter.

(3) Civil Penalties. The civil penalties for violation of any section or subsection of this chapter shall be:

(a) For the first violation, a warning letter shall be sent.

(b) For second violation within a 12-month period, the penalty shall be \$25.00.

(c) For the third or subsequent violation within a 12-month period, the penalty shall be \$250.00.

(4) Procedure. A certified letter to the owner shall constitute conclusive evidence that the violation occurred unless the owner appeals the determination as provided subsection (5) of this section.

(5) Appeals. Appeals must be made in writing by the owner of the cabaret within 10 days of the receipt of notice of violation by filing the appeal with the town clerk. All appeals shall be heard by the town council at a public hearing. Any decision of the town council, under this chapter, shall be final unless the owner of the cabaret files an appeal by writ of certiorari to the Skagit County superior court, within 10 days after the rendering of the decision by the town council. [Ord. 812 § 4, 2001; Ord. 573 § 8, 1989.]

Chapter 5.15

MALT LIQUOR SALES

(Repealed by Ord. 812)

Chapter 5.20

AMUSEMENT DEVICES*

Sections:

- 5.20.010 Definition.
- 5.20.020 License – Required.
- 5.20.030 License – Issuance.
- 5.20.040 Use during academic year.
- 5.20.050 Amusement center license.
- 5.20.060 License fees.
- 5.20.070 Duty of licensee.
- 5.20.080 *Repealed.*

*Prior legislation: Ord. 518.

5.20.010 Definition.

“Amusement devices” means any electronic or mechanically operated game which, upon the inserting of a coin, permits a person or operator to use the device as a game, contest of skill or amusement, whether or not registering a score, which may cause a person or operator of same to secure some amusement, enjoyment, or entertainment, and which is not a gambling device or a device which tends to encourage gambling. [Ord. 519 § 1, 1984.]

5.20.020 License – Required.

A license shall be required of every owner (person, firm, corporation or association) of an amusement device kept, used, exhibited or displayed within the town of La Conner. Application for a license to display an amusement device must be made to the town clerk. [Ord. 519 § 2, 1984.]

5.20.030 License – Issuance.

Every owner, at the time of application shall pay to the town the sum of \$50.00 per machine per year. All licenses shall be issued for a period of one year and shall expire on December 31st of each year. No license may be transferred from one owner to another. There shall be no proration of fees, except for the period from June 1, 1984, when this chapter shall become in effect, until December 31, 1984, the license fee shall be \$30.00 per machine. License shall be permanently and conspicuously displayed on each machine on owner’s premises. [Ord. 519 § 3, 1984.]

5.20.040 Use during academic year.

No owner shall allow any minor under 18 years of age to play or use any such amusement device during the academic year for the La Conner Public School during the hours the school is in session. [Ord. 519 § 4, 1984.]

5.20.050 Amusement center license.

An applicant requesting a license for more than 10 amusement devices shall also be required to obtain an amusement center license. The fee for the amusement center license shall be \$35.00 per year. [Ord. 519 § 5, 1984.]

5.20.060 License fees.

Licenses for amusement devices are due and payable on January 1st of each calendar year, except for the calendar year 1984 when license fees will be due and payable June 1, 1984. A penalty of 25 percent of the license fee will be assessed after July 31st of each calendar year. Failure to obtain or renew a license when due shall result in suspension or cancellation of the license. [Ord. 519 § 6, 1984.]

5.20.070 Duty of licensee.

It shall be the duty of the licensee to procure the amusement device license. [Ord. 519 § 9, 1984.]

5.20.080 Penalty.

Any owner of an amusement device who fails or refuses to pay the license fee or penalty for the device on or before the due date shall be deemed to be operating the amusement device without a license to do so. It shall be an infraction for any owner of an amusement device to fail to obtain a license for the device as required under this chapter, and such person shall be liable for a civil penalty of \$25.00 for each day during which the amusement device remains unlicensed. [Ord. 812 § 5, 2001.]

