

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BURLINGTON  
AMENDING TITLE 5 OF THE CITY OF  
BURLINGTON MUNICIPAL CODE, TO COMPLY  
WITH RCW 35.90.**

**WHEREAS**, pursuant to EHB 2005, the State of Washington revised RCW 35.90, related to Municipal Business Licensing; and

**WHEREAS**, RCW 35.90 now requires the City of Burlington to administer business licenses through the State's Business Licensing System (BLS); and

**WHEREAS**, the Burlington City Council has previously adopted changes to the Burlington Municipal Code Title 5 in order to implement BLS; and

**WHEREAS**, the Department of Revenue has requested certain additional changes and revisions in order to maintain consistency between the Burlington Municipal Code and other jurisdictions; and

**WHEREAS**, City staff and the Department of Revenue have reviewed Title 5 and agree certain changes are necessary;

**NOW THEREFORE, THE CITY COUNCIL OF BURLINGTON, DO ORDAIN  
AS FOLLOWS:**

**BMC Title 5 is hereby amended as indicated in the attachment hereto.**

Effective date. This ordinance shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law.

**INTRODUCED AND PASSED** and approved at a regular meeting of the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF BURLINGTON**

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Steve Sexton, Mayor

ATTEST:

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APPROVED AS TO FORM:

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Leif Johnson, City Attorney

Published:

## **Title 5**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 5.04 Business Licenses**
- 5.08 Taxicabs**
- 5.12 Utility Occupation Licenses**
- 5.16 Peddlers and Solicitors**
- 5.20 Pawnbrokers and Secondhand Dealers**
- 5.24 Amusement Centers**
- 5.30 Mobile Vendors**

## Chapter 5.04

### BUSINESS LICENSES

#### Sections:

- 5.04.010 City power to license.
- 5.04.020 Definitions.
- 5.04.030 Exemptions.
- 5.04.040 Application – Issuance conditions.
- 5.04.050 Nontransferable – More than one required when – Posting.
- 5.04.060 Operating under another’s license prohibited.
- 5.04.070 Time limit – Delinquency.
- 5.04.080 Expiration.
- 5.04.090 Fee – Levied annually – Business activities designated.
- 5.04.140 Fee – Publishers.
- 5.04.150 Fee – Prorated when.
- 5.04.160 Fee – Additional to others.
- 5.04.170 Tax constitutes debt to city – Collection.
- 5.04.180 Recordkeeping and disposition of fees – Enforcement.
- 5.04.190 Violations – Penalties.

#### **5.04.010 City power to license.**

The licenses provided for herein shall be for the purpose of regulation. The provisions of this chapter shall be deemed an exercise of the police power of the city for the protection of the public, economic and social welfare, health, peace and morals, and all of its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 1590 § 1, 2005).

#### **5.04.020 Definitions.**

A. In construing the provisions of this chapter, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

1. “Business” includes all activities engaged in the object of gain, benefit or advantage to the licensee or to another person or class, directly or indirectly.
2. “Engage in business” or “engaging in business activities” 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 up to the public as conducting such business.

(a) 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 (1). 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.

(b) 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 the 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 the goods took place.

(16) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(C) 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". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(6) Conducting advertising through the mail.

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

(D) 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 those in subsection (4C). The City expressly intends that engaging in business 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.

3. "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, 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, nonprofit or otherwise.

4. Business Licensing Service" or "BLS" means the office within the Washington State Department of Revenue providing business licensing services to the city.

B. Words in the singular number include the plural and the plural includes the singular. Words in one gender include all other genders. (Ord. 573 § 2, 1960).

#### **5.04.030 Exemptions.**

The provisions of this chapter shall not apply to:

A. Any instrumentality of the United States, the state of Washington, or political subdivisions thereof with respect to the exercise of governmental functions;

B. Any person paying a business and occupation tax to the city under the terms of chapter 5.12 BMC or under the terms of future ordinances of the city shall be exempt from the payment of any license or tax under this chapter during the year or years covered by such other ordinances;

C. Employees of any business entity, while such employees engage in business solely on behalf of that business entity;

D. Newspaper carriers under the age of 18;

E. Any business entity located outside the corporate limits of Burlington solely making delivery of goods purchased outside the city's corporate limits, where such business entity is not otherwise subject to the licensing provisions of this chapter;

F. The nonbusiness activities of religious organizations are exempt from the provisions of this chapter; provided, that any religious organization which engages in business for which it may be required by federal law to file a federal income tax return shall, to that extent only, be subject to the license and license fee requirements of this chapter; or

G. Any person, business, enterprise, firm, or corporation which the city is forbidden to tax under state or federal law.

H. Unless otherwise exempt in this section or elsewhere in this chapter, this chapter covers and applies to any business located outside the city that engages in some business activity inside the city limits of the city of ~~Burlington~~.

For purposes of the license required by this chapter, 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 submit a business license application as provided for in this chapter, but be exempt from the city license fee. The threshold and fee exemption does not apply to regulatory license requirements or activities that require a specialized permit.

(Ord. 1590 § 2, 2005).

#### **5.04.040 Application – Issuance conditions.**

Applications for a business license and/or business registration shall be made to and issued by the finance director of the city on forms provided by the finance director, on which shall be stated the residence of the applicant; an emergency notification name, address, and telephone number; the nature of the applicant's business or business activity; the place where it is proposed to be conducted; the applicant's uniform business identification number (if such number is required to be issued by the state of Washington); and the amount of the fee prescribed by this chapter and issued by the Finance Director of the city on forms provided by the Finance Director, on which shall be stated the residence of the applicant; and emergency notification name, address, and telephone number; the nature of the applicant's business or business activity; the place where it is proposed to be conducted; the applicant's uniform business identification number (if such number is required to be issued by the state of Washington); and the amount of the fee prescribed by this Ordinance of the Burlington City Council. If the city Finance Director finds the application to be correct, the Finance Director shall, upon payment of the fee, issue a license in accordance with this chapter. If required by the State of Washington, or at the discretion of the Finance Director if not required by the State of Washington, business license applications may instead be administered by the State of Washington through the State's the Business Licensing Service (BLS) or other similar service offered now or in the future by Washington State. . The application must include all required information and fees due for all licenses requested, including the handling fee required by RCW 19.02.075. The applicant's information will be provided to the finance director for review. If the city finance director finds the application to be correct, the finance director shall, upon payment of the fee, issue authorize issuance of a license in accordance with this chapter. – will be submitted to the State of Washington's Business Licensing System (BLS). The application must contain all information required for all licenses requested, and the total fees due for all licenses, as well as the handling fee required by RCW 19.02.075. The content of the application will be determined by the business licensing application and the City's addendum used by BLS. The City will determine approval of the applications, and once approved, the license will be issued through the BLS and not the City. Once approved through the BLS, and upon payment of the fee, the BLS will issue the license. (Ord. 1590 § 3, 2005).

#### **5.04.050 Nontransferable – More than one required when – Posting.**

The license shall be personal and nontransferable. In case business is transacted at two or more separate places by one person within the city, a separate license for each place in which business is transacted with the public shall be required, in accordance with the classifications set forth in this chapter, and the person shall pay for each place of business a fee in accordance with said classification. Each license shall at all times be conspicuously posted in the place of business for which it is issued. ~~Where a place of business of a taxpayer is changed, the taxpayer shall return the license to the city clerk-treasurer and a new license shall be issued for the new place of business free of charge. If a business intends to change its place of business location within the city it must immediately notify the Business Licensing Service. A change of location may require submission of a new application as provided in this chapter.~~ (Ord. 573 § 4, 1960).

#### **5.04.060 Operating under another's license prohibited.**

No person to whom a license has been issued pursuant to this chapter shall suffer or 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. 573 § 4, 1960).

#### **5.04.070 Time limit – Delinquency.**

The licenses required by the terms of this chapter shall be procured ~~by the licensee prior to January 31st of the calendar year for which required, or~~ prior to the commencement of operation of business in the city, ~~whichever date is later.~~ For any license not procured ~~after the applicable date required by this section~~ prior to commencing business, there is assessed, and there shall be collected by the city clerk-treasurer, in addition to the required annual license fee, a delinquency charge of 10 percent of the annual license fee for each month or part of a month accruing between the time such license is procured and the time when the same should have been procured under the terms of this chapter. This penalty will be assessed by, and collected directly by the city, and is not payable through the Business Licensing Service. (Ord. 573 § 7, 1960).

#### **5.04.080 Expiration.**

The business license referred to in this chapter 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~~ on the date established by the Business Licensing Service, and must be renewed through the Business Licensing Service on or before that date to continue conducting business in the city. Failure to renew by the expiration date will incur the late renewal penalty charge required by RCW 19.02.085. Failure to renew within 120 days after expiration will result in cancellation of the license and will require reapplication for a license, as provided in this chapter, in order to continue conducting business in the city. A new applicant shall pay for the license fee applicable to his classification. (Ord. 573 § 4, 1960).

#### **5.04.090 Fee – Levied annually – Business activities designated.**

On or after the effective date of the ordinance codified in this chapter, there is levied upon and shall be collected from and paid as hereinafter provided, by every person, on account and for the privilege of engaging in business activities within the city an initial and annual license fee ~~or occupation tax per calendar year, or any portion thereof,~~ in an amount determined by resolution of the city council. (Ord. 1132 § 1, 1988; Ord. 590 § 1, 1962; Ord. 573 § 3, 1960).

#### **5.04.140 Fee – Publishers.**

Publishers of newspapers, periodicals or any other publications, may, in lieu of procuring any license provided for by this chapter, pay directly to the city a sum of money equal in amount of the appropriate license fee set forth in BMC 5.04.090, and upon payment thereof, shall be exempt from the requirements of this chapter, said exemption to apply for one calendar year, and to be renewable from year to year upon an additional payment of the sum. (Ord. 573 § 8, 1960).



**5.04.150 Fee – Prorated when.**

The license ~~term and respective license~~ fee amount for a person ~~commencing operations after July 1st in any year shall be one half the applicable fee for the remainder of the calendar year may be prorated by the Business Licensing Service in order to synchronize the expiration date of the license with the business licensing account administered by the Business Licensing Service.~~ (Ord. 573 § 9, 1960).

**5.04.160 Fee – Additional to others.**

The license fee and tax levied in this chapter shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the city, except as otherwise expressly provided in this chapter. (Ord. 573 § 5, 1960).

**5.04.170 Tax constitutes debt to city – Collection.**

Any city license fee or tax due or unpaid under this chapter, and all city-imposed penalties thereon, shall constitute a debt to the city, and may be collected by court proceeding in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 573 § 10, 1960).

**5.04.180 Recordkeeping and disposition of fees – Enforcement.**

A. The city clerk-treasurer shall keep full and accurate records of all funds received under the provisions of this chapter. Upon receipt of any license fee or city-imposed penalties collected under the provisions of this chapter, he or she shall deposit the same to the credit of the current expense fund.

B. It shall be the duty of the city clerk-treasurer to require all parties engaging in any business activity to procure such license, and should there be any license fee not paid by any person, it shall be the duty of the city clerk-treasurer to enforce collection thereof in the manner provided in this chapter. (Ord. 573 § 12, 1960).

**5.04.190 Violations – Penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall be deemed to have committed an infraction, and upon a final determination of having committed such infraction, such person shall be subject to the following monetary penalties:

A. Any person who engages in or carries on any business subject to licensing hereunder without having a business license to do so shall be guilty of a violation of this chapter for each day during which the business is engaged in or carried on, and any person who fails or refuses to pay the license fee or tax or any part thereof on or before the due date shall be deemed to be operating without having a license so to do.

B. All violations of the provisions of this chapter shall be subject to the monetary penalty for like violations as set forth in the Infraction Rules for Courts of Limited Jurisdiction promulgated by the Washington State Supreme Court, as such rules now exist or may hereafter be amended. (Ord. 1590 § 4, 2005).

## Chapter 5.08

### TAXICABS

#### Sections:

- 5.08.010 Business and vehicle license required.
- 5.08.020 Purpose – Immunity.
- 5.08.030 Definitions.
- 5.08.040 License fees.
- 5.08.050 Issuance of vehicle license.
- 5.08.060 Term of license.
- 5.08.070 License application.
- 5.08.080 Identification.
- 5.08.090 Right to refuse employment, carry more than one fare, and require advance fare.
- 5.08.100 Taximeter required.
- 5.08.110 Taximeter, requirements, vehicle condition, and trip log.
- 5.08.120 Inspection of for-hire vehicles.
- 5.08.130 For-hire vehicle driver’s license.
- 5.08.140 Qualifications for for-hire vehicle driver’s license.
- 5.08.150 Application for for-hire vehicle driver’s license.
- 5.08.160 Issuance of for-hire vehicle driver’s license.
- 5.08.170 For-hire vehicle driver’s license fee.
- 5.08.180 Suspension and revocation of driver’s license.
- 5.08.190 Liability insurance.
- 5.08.200 Enforcement.

#### **5.08.010 Business and vehicle license required.**

It shall be unlawful for any person to hold out, advertise, solicit, operate, drive, or use any vehicle as a for-hire vehicle in the city without having first obtained directly from the city the licenses required pursuant to the provisions of this chapter, and the separate business license through the Business Licensing Service as provided in BMC 5.0408.010 through 5.08.200. (Ord. 1620 § 1, 2007).

#### **5.08.020 Purpose – Immunity.**

It is expressly the purpose of this chapter to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended nor shall be construed to create any liability on the part of the city or its employees for any injury or damage resulting from the failure of the licensee to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city or its employees. (Ord. 1620 § 1, 2007).

#### **5.08.030 Definitions.**

For the purposes of this chapter, words and phrases used herein shall mean as follows:

“Driver” and “operator” means the person physically engaged in driving a for-hire vehicle, whether or not said person is the owner of or has any financial interest in the ownership of said vehicle.

“For-hire vehicle” means a taxicab or sight-seeing car.

“Sight-seeing car” or “charter bus” means every motor vehicle held for public hire as a common carrier, used primarily for sight-seeing purposes and generally over a fixed route for a stipulated consideration per trip.

“Taxicab” means every motor vehicle held for public hire as a common carrier, usually for transportation of individuals, subject to call by the public generally and not operating over a fixed route or between fixed termini.

“Taxicab stand” means that portion of any street set aside and designated exclusively as parking or standing space to be occupied by for-hire vehicles.

“Unrestricted license” means a license that is not intermediate under RCW 46.20.075, or a permit, or has restrictions that are court mandated placed on the holder of that license. (Ord. 1620 § 1, 2007).

#### **5.08.040 License fees.**

The license fees under this chapter are hereby fixed in an amount determined by resolution of the city council for the following activities:

- A. Application fee (first time for each driver);
- B. Renewal for following year;
- C. Taxicab company every year;
- D. Owners of cab company as driver.

There are currently no owner or vehicle transfer fees. (Ord. 1688 § 1, 2009; Ord. 1620 § 1, 2007).

#### **5.08.050 Issuance of vehicle license.**

The finance department shall issue a vehicle license upon satisfactory police department inspection, compliance with the insurance requirements of this chapter, and payment of the prescribed vehicle license fee. (Ord. 1620 § 1, 2007).

#### **5.08.060 Term of license.**

All licenses shall expire on December 31st of the year of issue, but may be reissued for succeeding years to the same licensee and for the same motor vehicle when the requirements of this chapter are otherwise met, and may, subject to the requirements of this chapter, be reissued to the same licensee for a substitute vehicle.

- A. It is unlawful for an owner of a taxicab or for-hire vehicle business to operate a vehicle to convey passengers for compensation without a current and valid vehicle license.
- B. It is unlawful for a driver of a taxicab or for-hire vehicle to convey passengers for compensation without a current and valid vehicle license. (Ord. 1620 § 1, 2007).

#### **5.08.070 License application.**

Applications for licenses for taxicabs shall be made in the name of the owner or owners thereof upon forms to be furnished by the city and shall give full information concerning the ownership, number, and classification of each motor vehicle to be operated, the name, fictitious or otherwise, under which the applicant will operate, the distinguishing color scheme, design, or dress, including any monogram or insignia to be used upon each such motor vehicle. If the owner of said vehicle shall be a firm, partnership, or association, or if there be more than one owner, full information shall be furnished as to the natural persons having an interest therein and the extent of such interest in such firm, partnership, or association. The applicant shall furnish such other information as may be required by the finance director as deemed necessary to aid in the enforcement of this chapter.

The chief of police shall make or cause to be made an investigation, including any hearing deemed desirable, as to the fitness of an applicant to conduct the business requested, and in connection therewith may investigate the fitness of the officers and stockholders of any corporation making such application. In determining the fitness or lack of fitness of an applicant, the chief of police shall take into consideration the applicant's record and reputation as to the applicant being law-abiding, the applicant's business experience, and the nature and kind of occupation or business in which the applicant has previously been engaged. In considering applications for renewal of licenses, the finance director may take into consideration the manner in which an applicant has previously conducted his, her, or its business. If any person having a valid license shall make a timely application for its renewal and the finance director shall not have acted upon such application prior to its expiration, such person may operate under his or her license for the year immediately preceding until the finance director shall have acted upon the application and notified him or her of his action. (Ord. 1620 § 1, 2007).

#### **5.08.080 Identification.**

For-hire vehicles used for charter services and also licensed taxicabs under the provisions of this chapter shall not be required to be painted an identifying color scheme or to be lettered except as herein otherwise provided; however, there shall be attached in a conspicuous place on each side of such vehicles, whenever they are used as taxicabs, a detachable panel, painted in the same color scheme authorized for the licensee's taxicabs and showing the trade name of the licensee in letters at least two inches in height. Every other for-hire vehicle licensed under the provisions of this chapter shall be painted with the colors and in the manner set forth in the license application for said vehicle; provided, that such color scheme can be changed only after a supplemental application is filed with the city setting forth the same in detail; provided further, that such color scheme is not the same or similar to a color scheme being used by another licensee. (Ord. 1620 § 1, 2007).

#### **5.08.090 Right to refuse employment, carry more than one fare, and require advance fare.**

Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless it be prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the city unless previously engaged or unable to do so. No driver of a taxicab shall carry any other person other than the passenger first employing the taxicab without the consent of such passenger. (Ord. 1620 § 1, 2007).

#### **5.08.100 Taximeter required.**

No taxicab shall be licensed unless there is installed therein a taximeter capable of calculating the rates for hire hereafter set forth, and no for-hire vehicle shall be licensed unless the same is in a safe condition for use as such, nor until there is furnished proof of compliance with the provisions of chapter 46.72 RCW, et seq., as now or hereafter amended, relating to financial responsibility. (Ord. 1620 § 1, 2007).

#### **5.08.110 Taximeter, requirements, vehicle condition, and trip log.**

A. Every taxicab shall have affixed thereto a taximeter of standard size and design. The taximeter must be registered with the Weights and Measures program of the Washington State Department of Agriculture as required under Chapter 19.94 RCW.

B. No person shall use or permit to be used upon any taxicab a taximeter which shall be in such condition as to be over five percent incorrect. For the purpose of checking the accuracy of said taximeter, the taxicab to which the same is fixed shall be made available to the city at such times as the finance director may direct.

C. No person shall use or permit to be used or drive for hire a taxicab equipped with a taximeter the case of which is unsealed and not having its cover and gear intact.

D. It shall be unlawful for any person owning, operating or driving a taxicab to operate or drive such taxicab unless such taximeter is used in determining the fare to be charged, and no other or different fare shall be charged to the passenger than is recorded on the reading face of said taximeter for the trip. No other rates or methods of measuring the distance or time charged shall be allowed except as herein provided. (Ord. 1620 § 1, 2007).

#### **5.08.120 Inspection of for-hire vehicles.**

The police department shall maintain constant vigilance over all for-hire vehicles to see that they are kept in a condition of continued fitness for public use, and to this end its officers and inspectors shall inspect all for-hire vehicles on the complaint of any citizen, or from time to time, as it may deem necessary or convenient.

A. Each vehicle to be used in conveying passengers shall be inspected and approved by the police department. Inspection shall include:

1. Confirmation of current state vehicle license and registration.
2. Proof of liability insurance as required by this chapter.
3. Confirmation that each vehicle is equipped in accordance with state law and city ordinances and that all required equipment is in good working order.
4. Taxicabs shall be checked for an accurate taximeter; other vehicles are not subject to this requirement. It is unlawful for an owner or driver to operate a taxicab with an inaccurate taximeter. Violation shall constitute a misdemeanor as provided in BMC 1.24.020.
5. A schedule of fare rates shall be posted so it can be clearly read by passengers.
6. Any additional inspection regulations promulgated by the police department. These regulations shall be reasonable and necessary to promote the health, safety, and welfare of the

general public. The items to be inspected shall be listed on a form to be provided by the police department.

B. Upon satisfactory inspection, the police department shall notify the finance department of vehicle approval.

C. Vehicles shall be inspected at least once a year at a time and place scheduled with the police department.

D. Any additional or replacement vehicles must be inspected before being used as a taxicab or for-hire vehicle.

E. It is unlawful for an owner or driver to operate a taxicab or for-hire vehicle without a current, valid, inspection. Violation shall constitute a misdemeanor as provided in BMC 1.24.020.

F. It is the responsibility of the owner to maintain all taxicabs or for-hire vehicles in compliance with the requirements of RCW Title 46, WAC Titles 204 and 308, and municipal vehicle ordinances at all times.

G. Vehicles are subject to inspection by the police department upon verified complaint of a citizen, or on a police officer's reasonable suspicion of violation of any state or municipal traffic or vehicle equipment law.

H. Failure to comply with state vehicle requirements of RCW Title 46, WAC Titles 204 and 308, and municipal vehicle ordinance requirements is cause for a vehicle to be suspended from use until compliance is met. To prove compliance, the vehicle must be reinspected by the police department. (Ord. 1620 § 1, 2007).

**5.08.130 For-hire vehicle driver's license.**

It shall be unlawful for any person to drive, operate, or use any vehicle as a for-hire vehicle unless such person is the holder of a valid for-hire vehicle driver's license issued to him in accordance with the provisions of this chapter. (Ord. 1620 § 1, 2007).

**5.08.140 Qualifications for for-hire vehicle driver's license.**

No for-hire vehicle driver's license shall be issued to any person unless said person shall:

A. Possess an unrestricted valid Washington State driver's license for a period of no less than three years;

B. Be able to speak, read, and write the English language;

C. Be not addicted to the use of intoxicating liquors or narcotics;

D. Not have been convicted of an offense involving moral turpitude, nor within a period of one year prior to his or her application for a taxicab driver's license have been convicted of the offense of driving while under the influence of or affected by the use of intoxicating liquors or narcotics, or the offense of reckless driving. (Ord. 1620 § 1, 2007).

**5.08.150 Application for for-hire vehicle driver's license.**

Each applicant for a for-hire vehicle driver's license shall fill out in detail an application form provided by the city, which shall answer each of the requirements set forth in BMC 5.08.140 and, in addition thereto, shall state the applicant's full name; place of residence at the time of application and for a period of two years prior thereto; age; color; height; color of eyes; hair; place of birth; length of time a resident of the city; whether a citizen or non-citizen; last place of employment; whether he or she has been convicted of a felony or misdemeanor; whether he or she has been previously licensed as a driver and if so, when and where; and whether such license has ever been suspended or revoked and for what cause. Said application shall be signed and sworn to by the applicant and filed with the city as a permanent record and shall contain the names and addresses of four persons, not relatives, who have known the applicant for at least two years last past. Each applicant shall present to the finance director satisfactory evidence of his or her fitness and ability to operate a for-hire vehicle. (Ord. 1620 § 1, 2007).

**5.08.160 Issuance of for-hire vehicle driver's license.**

The chief of police shall review the applicant's request and application for a for-hire vehicle driver's license and shall investigate the statements contained therein and obtain such other information as he deems necessary concerning the applicant's character, integrity, personal habits, past conduct, and general qualifications, as well as show the applicant's ability and skill as a driver of a for-hire vehicle and whether the applicant is a suitable person to drive such for-hire vehicle. If the chief of police determines that the for-hire vehicle driver's license should be issued or renewed, there shall be issued to the applicant a license which shall be in such form as to contain the photograph and signature of the licensee. For-hire vehicle driver's licenses shall be issued for the calendar year. If the chief of police determines that a for-hire vehicle driver's license should not be issued or renewed, he shall notify the applicant and the finance director thereof in writing, setting forth the reasons for such rejection. Any applicant whose for-hire vehicle driver's license is rejected may appeal to the city administrator, who may exercise his or her discretion in granting or renewing such license. (Ord. 1620 § 1, 2007).

**5.08.170 For-hire vehicle driver's license fee.**

The fee for a for-hire vehicle driver's license shall be in an amount determined by resolution of the city council for the following activities: first year for which said license is issued and per annum for renewals of such license. (Ord. 1688 § 2, 2009; Ord. 1620 § 1, 2007).

**5.08.180 Suspension and revocation of driver's license.**

Any driver's license issued pursuant to the provisions of this chapter shall be automatically suspended for a period of 90 days on the first conviction of the holder thereof of any of the following misdemeanors: driving while under the influence of intoxicating liquor or reckless driving; violation of any law involving the manufacture, sale, or transportation of intoxicating liquors; or violation of any law involving prostitution, indecent exposure, or any lewd or immoral acts. On the second conviction of one or more of these offenses, such license shall be automatically revoked for a period of six months. Any driver's license issued pursuant to the provisions of this chapter shall be automatically revoked for a period of six months on the conviction of any felony or the violation of any law involving the sale, use, distribution, manufacture, or transportation of narcotics. (Ord. 1620 § 1, 2007).

**5.08.190 Liability insurance.**

A. Prior to the issuance of any taxicab or for-hire vehicle license, every applicant shall file with the finance department the policy or policies of public liability insurance, approved as to sufficiency by the finance department, issued by an insurance company or companies indemnity for or protection to the city, as well as providing public authorization to do business in the state of Washington, providing liability insurance coverage for each and every taxicab or for-hire vehicle owned, operated and/or leased by the applicant, for injury to or death of persons, passengers, or otherwise, in accidents resulting from any cause by which the owner of the vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the taxicab or for-hire vehicle was being driven by the owner or his agent. Such insurance shall be in the sum of \$100,000 for the injury or death of one person, or \$300,000 for the injury or death of more than one person in any one accident, and \$50,000 for property damage.

B. Every such policy of insurance shall continue to the full amount thereof notwithstanding any recovery thereon and shall provide that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured. Each insurance policy required under this section shall extend for the period covered by the license applied for and the insurer shall be obliged to give not less than 10 days' written notice to the finance department in the event of change or cancellation. (Ord. 1620 § 1, 2007).

**5.08.200 Enforcement.**

Any police officer may enforce the provisions of this chapter against any person found to be violating the same. Failure to produce a license shall constitute probable cause for enforcement action. (Ord. 1620 § 1, 2007).



## Chapter 5.12

### UTILITY OCCUPATION LICENSES

#### Sections:

- 5.12.010 Exercise of revenue license power.
- 5.12.020 Definitions.
- 5.12.030 Required.
- 5.12.035 Quarterly installments – Due date.
- 5.12.040 Application.
- 5.12.050 Expiration.
- 5.12.060 Applications and returns not public – Inspection authorized when.
- 5.12.070 Fee schedule.
- 5.12.080 Deductions.
- 5.12.090 Recordkeeping.
- 5.12.100 Right of entry for inspection.
- 5.12.110 Overpayment of tax.
- 5.12.120 Liability.
- 5.12.125 Annexation – Copies of ordinance provided.
- 5.12.126 Referendum procedure.
- 5.12.130 Violation – Penalty.

#### **5.12.010 Exercise of revenue license power.**

The provisions of this chapter shall be deemed as exercise of the power of the city to license for revenue. (Ord. 459 § 1, 1947).

#### **5.12.020 Definitions.**

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

A. “Competitive telephone service” means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

B. “Gross income” means the value proceeding or accruing from the sale of tangible property or service, and receipts (including all sums earned or charged which are collected) by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments however designated, derived wholly within the city (excluding receipts or proceeds from the use or sale of personal property constituting plant or equipment not sold in the ordinary course of trade or any interest therein, and proceeds and receipts from the sale of notes, bonds, mortgages or other evidences of indebtedness, or shares of stock and the like) and without any deductions on account of the property sold, the cost of materials used, labor costs, interest paid or any expense whatsoever, and without any deduction on account of losses.

C. "Person" or "persons" means person or persons of either sex, firms, copartnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

D. "Taxpayer" means any person liable to the license fee or tax imposed by this chapter.

E. "Tax year" or "taxable year" means the calendar year commencing on January 1st and ending on the last day of December, or, in place thereof, the taxpayer's fiscal year when permission is obtained from the city clerk-treasurer to use the same as his tax period.

F. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business does not include the providing of competitive telephone service, nor the providing of cable television service.

G. "Telecommunication business," for the sole purpose of this chapter, means the business of providing access to a wireless phone or pager service. (Ord. 1423 § 1, 2000; Ord. 991 § 1, 1981; Ord. 459 § 2, 1947).

#### **5.12.030 Required.**

A. After the first day of January, 1948, no person shall engage in or carry on any business, occupation, pursuit or privilege for which a license fee or tax is imposed by this chapter without first having obtained, and being the holder of a valid and subsisting license to do so, to be known as an "occupation license."

B. Any taxpayer who engages in, or carries on, any business subject to tax under this chapter without first obtaining his occupation license to do so is guilty of a violation of this chapter for each day during which the business is so engaged in or carried on, and any taxpayer who fails or refuses to pay the license fee or tax, or any part thereof, on or before the due date shall be deemed to be operating without a license. (Ord. 459 § 3, 1947).

#### **5.12.035 Quarterly installments – Due date.**

The tax imposed by this chapter shall be due and payable in quarterly installments. Remittance shall be made on or before the 30th day of the month of the next succeeding end of the quarterly period for which the tax accrues, that is on January 30th, April 30th, July 30th, and October 30th of each year. The remittance shall be made to the clerk/treasurer/finance director and accompanied by a return on a form to be provided and prescribed by the clerk/treasurer/finance director. On the return, the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so. (Ord. 1243 § 2, 1993).

#### **5.12.040 Application.**

A. On or before February 15th of each tax year, and commencing on or before February 15, 1948, every taxpayer [identified in BMC 5.12.070](#) shall apply to the city clerk-treasurer for an occupation license, upon blanks or forms to be prepared and provided by him requesting such information as may be necessary to enable him to arrive at the lawful amount of the fee or tax. The taxpayer shall

fill in such form giving the information required and shall sign the same by affidavit swearing or affirming that the information therein given is full and true and that he knows the same to be so.

B. Every such application or return shall be accompanied by a bank draft, certified check or United States money order, payable to the city clerk-treasurer, or by cash, in the amount of the tax or fee required by the provisions of this chapter. (Ord. 459 § 7, 1947).

**5.12.050 Expiration.**

A. All occupation licenses shall be for the tax year for which issued and shall expire at the end of such tax year.

B. Such occupation license, and the fee or tax therefor, imposed by this chapter, shall be for the year commencing on the first day of January and ending on the last day of December of each year; provided, however, that if the taxpayer in carrying on his business keeps the books reflecting the same for a fiscal year not based on the calendar year, he may, with the consent of the city clerk-treasurer, obtain his license for the period of his current fiscal year, which shall be deemed his tax year, and pay the fee or tax computed upon his gross income made during his fiscal year next proceeding his tax year covering his accounting period as shown by his method of keeping the books of the business. (Ord. 459 § 4, 1947).

**5.12.060 Applications and returns not public – Inspection authorized when.**

The applications or returns made to the city clerk-treasurer, pursuant to this chapter, shall not be made public, nor shall they be subject to the inspection of any person except the mayor, city attorney, clerk-treasurer, or his agent and members of the city council. (Ord. 459 § 10, 1947).

**5.12.070 Fee schedule.**

There is hereby levied and shall be collected by the city of Burlington, annual license fees or occupation taxes from the person on account of the business activities and in the amounts to be determined by the rates against gross income, as follows:

A. Upon every person engaged in or carrying on a telephone business, a fee or tax equal to six percent per annum of the total gross income from local service revenues in the city of Burlington. Such gross income shall include the revenue from intrastate toll services. Gross income shall, for the purpose of taxation under this section, not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

B. Upon every person engaged in or carrying on the business of selling or furnishing electric light and power, or either, a fee or tax equal to three percent per annum of the total gross income from such business in the city of Burlington; provided, however, that in determining gross income such person may exclude from gross income any and all income received from the sale of electric light and power, or either, to manufacturers at industrial rates, and any and all income derived from the sale of merchandise in the retail trade.

C. This tax is suspended until December 31, 2018. Upon every person engaged in or carrying on the business of selling or furnishing water for industrial, business, residential, or other use, a fee or tax equal to two percent of the total gross income from such business in the city of Burlington.

D. Upon every person engaged in or carrying on the business of selling or furnishing heat to consumers, furnished in a central heating plant or elsewhere, a fee or tax equal to three percent of the total gross income from such business in the city of Burlington.

E. Upon every person engaged in or carrying on the business of selling or furnishing natural or bottled gas or either, a fee or tax equal to three percent per annum of the total gross income from such business in the city of Burlington.

F. Upon every person engaged in or carrying on a telecommunication business, a fee or tax equal to six percent per annum of the total gross income from local service revenues in the city of Burlington. Gross income shall, for the purpose of taxation under this section, not include charges which are passed on to the subscribers by a telecommunication company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter. See BMC 5.12.020(G) for definition of “telecommunication business” for the sole purpose of this chapter. (Ord. 1847 § 1, 2017; Ord. 1834 § 1, 2016; Ord. 1826 § 1, 2015; Ord. 1807 § 1, 2014; Ord. 1772 § 1, 2012; Ord. 1446 § 1, 2000; Ord. 1423 § 2, 2000; Ord. 1411 § 1, 1999; Ord. 1243 § 1, 1993; Ord. 991 § 2, 1981; Ord. 657 § 1, 1965; Ord. 571 § 1, 1959; Ord. 459 § 5, 1947).

#### **5.12.080 Deductions.**

There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from transactions in interstate or foreign commerce, or from business done for the United States and the state, or their officers or agents, and any amount or amounts paid by the taxpayer to the United States, the state, the city, or to any political subdivision of said state, as excise taxes levied or imposed upon the sale or distribution of property or services, or as an occupation tax. (Ord. 459 § 6, 1947).

#### **5.12.090 Recordkeeping.**

Each taxpayer shall keep books or records reflecting the amount of his gross income, and such books or records shall at reasonable times be open to the inspection of the city clerk-treasurer, or agent, for verification of the taxpayer’s return or application. (Ord. 459 § 9, 1947).

#### **5.12.100 Right of entry for inspection.**

If any taxpayer fails to apply for a license or make his return, or if the city clerk-treasurer is dissatisfied with any return, said officer, or agent, may enter the premises of such taxpayer at any reasonable time to inspect his books and records and may examine any person under oath administered by him, or his agent, touching the matters inquired into, or said officer, or agent, may fix a time for the investigation of the correctness of the return, and may issue a subpoena to the taxpayer; or any person, to attend upon such investigation and there testify under oath administered by such officer or agent in regard to the matters inquired into, and may by subpoena require him, or any person, to bring with him such books, records, and papers as may be necessary for the investigation. (Ord. 459 § 11, 1947).

#### **5.12.110 Overpayment of tax.**

Any taxpayer who has overpaid taxes due the city under this chapter may submit a petition for a refund in accordance with chapter 3.68 BMC. (Ord. 1762 § 4, 2012; Ord. 459 § 12, 1947).

#### **5.12.120 Liability.**

If any taxpayer fails to apply for a license, or make his return, or to pay the fee or tax therefor, or any part thereof, within three days after the same becomes due, the city clerk-treasurer shall ascertain the amount of the fee or tax and shall notify such taxpayer thereof, who shall be liable therefor in any suit or action by the city for the collection thereof. (Ord. 459 § 13, 1947).

#### **5.12.125 Annexation – Copies of ordinance provided.**

Whenever the boundaries of the city are extended by annexation, all persons, firms and corporations subject to this chapter will be provided copies of the annexation ordinance by the city. (Ord. 1243 § 3, 1993).

#### **5.12.126 Referendum procedure.**

This chapter shall be subject to a referendum procedure. Any referendum petition to repeal this chapter or alter the rate of the tax authorized by this chapter shall be filed with the city clerk/finance director within seven days of passage of this chapter. The city clerk/finance director, within 10 days, shall then confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure will result in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure will result in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this 10-day period.

After notification, the petitioner shall have 30 days in which to secure on petition forms the signatures of not less than 15 percent of the registered voters of the city, and to file the signed petitions with the city clerk/finance director. Each petition form shall contain the ballot title and the full text of the measure to be referred. The city clerk/finance director shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the city clerk/finance director shall submit the referendum measure to the city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the city council. This election shall not take place later than 120 days after the signed petition has been filed with the city clerk/finance director. (Ord. 1243 § 4, 1993).

#### **5.12.130 Violation – Penalty.**

A. It is unlawful for any person liable to tax or fee under this chapter to fail or refuse to make application or return for a license, or to neglect or refuse to pay the fee or tax when due, or for any person to make any false or fraudulent application or return, or any false statement or representation in, or in connection with, any such application or return, or in any manner to fail to comply with the provisions hereof, or in any manner to hinder or delay the city, or any of its officers in carrying out the provisions of this chapter.

B. Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be punished according to the provisions of chapter 1.24 BMC. (Ord. 459 §§ 14, 16, 1947).

## Chapter 5.16

### PEDDLERS AND SOLICITORS

#### Sections:

- 5.16.010 Purpose.
- 5.16.020 Definitions.
- 5.16.030 Exemptions.
- 5.16.040 License – Required.
- 5.16.050 License – Application – Contents – Fee.
- 5.16.060 Investigation of application – License to be issued when.
- 5.16.070 License – Fees.
- 5.16.080 Religious, charitable and nonprofit organizations.
- 5.16.090 Receipt or contract – Cancellation of transaction.
- 5.16.100 False, deceptive or misleading statements.
- 5.16.110 Disclosure of information – Misrepresentation prohibited.
- 5.16.120 Obstruction of street or sidewalk prohibited.
- 5.16.130 Violation – Penalty.

#### **5.16.010 Purpose.**

The purpose of this chapter is to provide for the licensing of peddlers and solicitors and to prescribe penalties for the failure to comply with the provisions of this chapter. (Ord. 1022 § 1, 1983).

#### **5.16.020 Definitions.**

When used in this chapter, the following terms shall have the following meanings:

A. “Hawker” includes every person, either as principal or agent, selling or offering for sale any goods, wares, merchandise, articles, things, or personal property of whatever name, nature, or description, by peddling the same from house to house, upon any street, highway, or public place, who shall make public outcry or give any musical or other public entertainment, to make any public speech to draw customers or attract notice.

B. “Peddler” includes any person, whether a resident of the city or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

C. “Solicitor” includes any person, whether a resident of the city or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sales of goods, wares, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not the individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies a building, motor vehicle, trailer, structure, tent, apartment, shop or other place within the city for the primary purpose of exhibiting

samples and taking orders for future delivery; provided, that those persons soliciting orders for goods to be shipped interstate are not included. (Ord. 1759 § 2, 2012; Ord. 1022 § 2, 1983).

#### **5.16.030 Exemptions.**

A. The terms of this chapter shall not be held to include the acts of:

1. Persons selling personal property at wholesale to dealers in such articles;
2. Newsboys;
3. Persons conducting nonprofessional garage sales;
4. Farmers, gardeners or other persons insofar as their conduct is exempted or authorized by RCW 36.71.090 or any other Washington state statute;
5. Any “mobile vendor,” as that term is defined in chapter 5.30 BMC, that is also licensed under that same chapter.

B. Nothing in this chapter shall be construed to prohibit or limit any sale required by statute or any bona fide auction sale pursuant to law. (Ord. 1759 § 3, 2012; Ord. 1022 § 3, 1983).

#### **5.16.040 License – Required.**

It is unlawful for any peddler, hawker, solicitor or transient merchant, as defined in BMC 5.16.020, to engage in any business within the city without first obtaining a license therefor in compliance with the provisions of this chapter. The license required under this chapter is in addition to the business license that may be required under Chapter 5.04 BMC. (Ord. 1022 § 4, 1983).

#### **5.16.050 License – Application – Contents – Fee.**

A. Applicants for a license under this chapter must file with the city clerk-treasurer a sworn application in writing on a form to be furnished by the city clerk-treasurer which shall give the following information:

1. Name and physical description of the applicant;
2. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which the proposed sales will be made;
3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
5. The length of time for which the right to do business is desired, including dates and times of operation;
6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
7. A recent photograph of the applicant which shall be approximately two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

8. The names of at least two property owners of Skagit County, Washington, who will certify as to the applicant's good character and business respectability, or, in lieu of the references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to evaluate properly such character and business responsibility;

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

10. The last cities or towns, not to exceed three, where the applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities.

B. At the time of filing the application, a fee in an amount determined by resolution of the city council shall be paid to the city clerk-treasurer to cover the cost of investigation of the facts stated therein. (Ord. 1688 § 3, 2009; Ord. 1022 § 5, 1983).

**5.16.060 Investigation of application – License to be issued when.**

A. The city clerk-treasurer shall institute such investigation of the application for such length of time as he deems necessary and shall be entitled to the assistance of the chief of police; provided, that the period of investigation shall not exceed seven days from the date application is made for such license.

B. If the result of such investigation is satisfactory, a license shall be issued to the applicant which must be used only by the person to whom issued.

C. Facsimile of Licenses for Employees. Each licensee which employs, hires, or engages others to act as peddlers or solicitors shall furnish as credentials to each employee, agent, independent contractor or other person peddling or soliciting for or on behalf of such licensee a facsimile copy of its license upon which shall appear the typed or printed name and address, and the signature of the person to whom such facsimile copy is issued. Such facsimile copies may be obtained from the city clerk-treasurer upon payment of the fee per copy in an amount determined by resolution of the city council. A licensee shall be responsible for the conduct and acts performed within the scope of employment or contract of any person peddling or soliciting for or on behalf of the licensee and shall maintain a list of all persons to whom facsimile copies of its license have been issued. It is unlawful for any licensee, or any person to whom such facsimile copy is required to be issued, to peddle or solicit without having in his possession such license or a facsimile copy thereof, which shall be shown to all prospective buyers, or to any police officer or licensed officer of the city upon the request of such officer. Such facsimile copies shall be nontransferable and shall at all times remain in the possession of the person to whom issued. Whenever any person to whom a facsimile copy has been issued by a licensee ceases to act as a peddler or solicitor for or on behalf of such licensee, notification thereof shall be given to the city clerk-treasurer by the licensee and the facsimile copy issued to such person shall be surrendered to the city clerk-treasurer by the licensee within two weeks of such notification. (Ord. 1688 § 4, 2009; Ord. 1022 § 6, 1983).



**5.16.070 License – Fees.**

The license fee for any of the licenses required under BMC 5.16.040 shall be in an amount set forth by resolution of the city council. The application fee established in BMC 5.16.050 paid to the city clerk-treasurer at the time the application is made as set out above shall be deemed to cover costs of investigation and shall in no event be returned even though the license is not granted; also, no credit shall be given on the license fee as herein set out for payment of the application fee. (Ord. 1688 § 5, 2009; Ord. 1132 § 2, 1988; Ord. 1022 § 7, 1983).

**5.16.080 Religious, charitable and nonprofit organizations.**

Any charitable, religious or nonprofit organization which has received tax exempt status under IRC paragraph 501(c)(3), 26 USCA 501 (c)(3), as adopted or hereafter amended shall be exempt from BMC 5.16.070 upon filing a copy of such tax exemption with the city clerk-treasurer. (Ord. 1022 § 8, 1983).

**5.16.090 Receipt or contract – Cancellation of transaction.**

A. Every sale made or order taken by a peddler or solicitor required to be licensed by this chapter shall be evidenced by a signed receipt, contract, or other signed memorandum of the transaction, which shall be given to the purchaser. Such receipt, contract, or memorandum shall state the date and terms of the transaction, the amount of any payment made, the name and address of the peddler or solicitor, and in immediate proximity to the space reserved in the contract for the signature of the buyer, or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of 10 points, the following notice:

**NOTICE TO BUYER**

**YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.**

The seller must furnish each buyer, at the time he signs any sales contract or otherwise buys or agrees to buy goods or services from the seller, a completed form in duplicate, captioned “NOTICE OF CANCELLATION,” which shall be attached to the contract, receipt, or memorandum and easily detachable and which shall contain in 10-point bold type the following information and statements in the same language (e.g., Spanish) as that used in such contract, receipt or memorandum:

**NOTICE OF CANCELLATION**  
(enter date of transaction)

**YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.**

**IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE AND ANY**

SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED. IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OF SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK. IF YOU DO NOT AGREE TO RETURN THE GOODS TO THE SELLER OR IF THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM TO  
(Name of Seller)

\_\_\_\_\_  
AT \_\_\_\_\_  
(Address of seller's place of business)  
\_\_\_\_\_

NOT LATER THAN MIDNIGHT OF \_\_\_\_\_  
(Date)

I HEREBY CANCEL THIS TRANSACTION

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Buyer's Signature)

B. The sending of any such notice of cancellation within the specified period shall operate to cancel the purchase made or contract entered into, and the seller shall thereupon, without request, refund to the buyer any deposit or payment made, and in accordance with such notice of cancellation may reclaim from the buyer at the place of delivery any goods received by the buyer under such purchase or contract. (Ord. 1022 § 9, 1983).

**5.16.100 False, deceptive or misleading statements.**

It is unlawful for any peddler or solicitor to make or cause to be made, directly or indirectly, for the purpose of selling or procuring an order for the sale of any goods, wares, merchandise, services, or anything of value, any assertion, representation, or statement of fact which is untrue, deceptive or misleading. (Ord. 1022 § 10, 1983).

**5.16.110 Disclosure of information – Misrepresentation prohibited.**

Each person engaged in peddling or soliciting for the sale of goods or services at the residence of a prospective buyer, shall at the outset disclose to the prospective buyer his name and the company

or product he represents, and if requested to do so shall immediately leave the premises. It is unlawful for any peddler or solicitor to make any assertion, representation or statement of fact which misrepresents the purposes for his call, or to use any plan, scheme, or ruse which misrepresents such purpose. (Ord. 1022 § 11, 1983).

**5.16.120 Obstruction of street or sidewalk prohibited.**

It is unlawful for any person, either selling, or offering for sale, any article, by peddling or soliciting in any place, to obstruct or cause to be obstructed, the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale. (Ord. 1022 § 12, 1983).

**5.16.130 Violation – Penalty.**

Any person who violates any of the provisions of this chapter shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$500.00. Each and every person guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Burlington is committed, continued, or permitted by any such person shall be punished accordingly. (Ord. 1022 § 13, 1983).

## Chapter 5.20

### PAWNBROKERS AND SECONDHAND DEALERS

#### Sections:

- 5.20.010 Definitions.
- 5.20.020 Legislative intent.
- 5.20.030 Exemptions.
- 5.20.040 Recordkeeping required.
- 5.20.050 Report to chief of police.
- 5.20.060 Inspection of records and goods required.
- 5.20.070 Retention of property – In pledge.
- 5.20.080 Retention of property – On consignment.
- 5.20.090 Duties upon notification that property is reported stolen.
- 5.20.100 License – Required when – Fee – Expiration date – Renewal.
- 5.20.110 Revocation of license.
- 5.20.115 License – Display.
- 5.20.120 Criminal convictions.
- 5.20.130 Violations deemed gross misdemeanors – Designated.
- 5.20.140 Violations – Penalty.

#### **5.20.010 Definitions.**

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

A. “Loan period” means the period of time from the date the loan is made until the date the loan is paid off, the loan is in default, or the loan is refinanced and new loan documents are issued, including all grace or extenuation periods.

B. “Melted metals” means metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

C. “Metal junk” means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

D. “Nonmetal junk” means any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form except nonmetal junk does not include an item made in a former period which has enhanced value because of its age.

E. “Pawnbroker” means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

F. “Precious metals” means gold, silver, and platinum.

G. “Secondhand dealer” means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, secondhand

property including metal junk, melted metals, and precious metals, whether or not the person maintains a fixed place of business within the state. “Secondhand dealer” also includes persons or entities conducting business at flea markets or swap meets more than three times per year.

H. “Secondhand property” means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books and clothing of a resale value of \$75.00 or less, except furs.

I. “Transaction” means a pledge, or the purchase of, or consignment of, or the trade of any item of personal property by a pawnbroker or a secondhand dealer from a member of the general public. (Ord. 1621 § 1, 2007).

J. “License” and “endorsement”, unless specified otherwise, each mean the authorization to conduct a pawnbroker or secondhand dealer business activity in the city, as administered under this chapter, and that is issued by the city in association with and in addition to the business license issued under Chapter 5.04 BMC.

#### **5.20.020 Legislative intent.**

The city council intends to enact this chapter to provide restrictions that are supplemental to those set forth in chapter 19.60 RCW. The provisions of this chapter are intended to address circumstances unique to the city of Burlington. It is not the intent of this chapter to reduce or otherwise abrogate the requirements of any applicable state law. (Ord. 1621 § 1, 2007).

#### **5.20.030 Exemptions.**

The provisions of this chapter do not apply to transactions conducted by the following:

- A. Motor vehicle dealers licensed under chapter 46.70 RCW;
- B. Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;
- C. Persons giving an allowance for the trade-in or exchange of secondhand property on the purchase of other merchandise of the same kind of greater value; and
- D. Persons in the business of buying or selling empty food and beverage containers or metal or nonmetal junk. (Ord. 1621 § 1, 2007).

#### **5.20.040 Recordkeeping required.**

A. Every pawnbroker and secondhand dealer doing business in the city shall maintain, wherever that business is conducted, a record which shall be legibly written in the English language, at the time of each transaction, containing the following:

1. The signature of the person with whom the transaction is made;
2. The date of the transaction;
3. The name of the person or employee conducting the transaction;
4. The name, date of birth, gender, height, weight, race, address, and telephone number of the person with whom the transaction is made;

5. A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number or name, any initials or engravings, size, patterns and color, or stone or stones, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;

6. The price paid or the amount loaned;

7. The type and identifying number of identification used by the person with whom the transaction is made, which shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government-issued picture identification will be required; and

8. The nature of the transaction, a number identifying the transaction, the store identification as designated by the applicable law enforcement agency, or the name and address of the business, the name of the person or employee of the business conducting the transaction, and the location of the property.

B. The record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions, and shall be maintained wherever that business is conducted for three years following the date of the transaction. (Ord. 1621 § 1, 2007).

#### **5.20.050 Report to chief of police.**

A. Every pawnbroker or secondhand dealer in the city of Burlington shall, before 5:00 p.m. on each working day, furnish to the chief of police, on such forms as may be provided and in such format as may be required by the chief of police, a full, true, and correct transcript of the record of all transactions conducted on the preceding working day. This information shall be transmitted to the chief of police or his designee by electronic transmission through a modem or similar device, for identifying and tracing lost, stolen, and sought-after property, subject to the requirements of and approval by the chief of police.

1. Pawnbrokers or secondhand dealers shall report their transactions electronically to the chief of police as required by BMC 5.20.040(A) commencing on a date 30 days following the effective date of the ordinance codified in this chapter.

2. The police chief may, for good cause shown, grant a pawnbroker or secondhand dealer an extension of the otherwise applicable deadline set forth in subsection (A)(1) of this section to a date not later than January 1, 2008. An extension may only be granted upon application by the pawnbroker or secondhand dealer, upon a showing that the pawnbroker or secondhand dealer is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission, and upon agreement by the pawnbroker to pay the city a fee adopted by city council resolution reported after the otherwise applicable deadline to offset the Burlington police department's costs in converting the data from paper format into electronic form.

The chief of police shall establish the format and requirements for the transmission of data and may restrict the scope of items that are to be electronically reported. A transaction that is

reported by electronic transmission under subsection (A) of this section should not be reported on paper forms unless the chief of police so requests.

B. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the chief of police alters the required format, pawnbrokers and secondhand dealers shall be given at least 30 days to comply with the new format requirements.

C. If a pawnbroker or secondhand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or secondhand dealer shall promptly report that fact to the Burlington police, together with the name of the owner, if known, and the date when and the name of the person from whom it was received. (Ord. 1799 § 7, 2014; Ord. 1621 § 1, 2007).

**5.20.060 Inspection of records and goods required.**

Pawnbrokers' and secondhand dealers' records, and all goods received, shall at all times during the ordinary hours of business be open to inspection by a commissioned law enforcement officer of the city. (Ord. 1621 § 1, 2007).

**5.20.070 Retention of property – In pledge.**

Property bought or received on consignment by any pawnbroker secondhand shall not be removed from the pawnbroker's or secondhand dealer's place of business within 30 days after the receipt of the property, except when redeemed by the owner. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the City. (Ord. 1621 § 1, 2007).

**5.20.080 Retention of property – On consignment.**

Property bought or received on consignment by a secondhand dealer with a permanent place of business in the city shall not be removed from that place of business, except consigned property returned to the owner, within 30 days after the receipt of the property.

Property bought or received on consignment by a secondhand dealer without a permanent place of business in the state shall be held within the city, except consigned property returned to the owner, for 30 days after receipt of the property. The property shall be available within the appropriate jurisdiction for inspection at reasonable times by any commissioned law enforcement officer of the city. (Ord. 1621 § 1, 2007).

**5.20.090 Duties upon notification that property is reported stolen.**

A. Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or secondhand dealer shall hold that property intact and safe from alteration, damage, or commingling, and release such property to law enforcement officers for use in the investigation of a crime. The pawnbroker or secondhand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for 120 days from the date of police notification unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. In cases where the applicable law enforcement agency has placed a verbal hold on an item, that agency must then give written notice within 10 business days. If such written notice is not received within that period of time, then the hold order will cease. The pawnbroker or secondhand dealer shall give 20 days' notice before the expiration of the 120-day holding period to the applicable law enforcement

agency about the stolen property. If notice is not given within 20 days, then the hold on the property shall continue for an additional 120 days. The applicable law enforcement agency may renew the holding period for an additional 120-day period, as necessary. After the receipt of notification from a pawnbroker or secondhand dealer, if an additional holding period is required, the applicable law enforcement agency shall give the pawnbroker or secondhand dealer written notice, prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined by the law enforcement agency not to be stolen or lost.

B. Property seized by a law enforcement agency from a pawnbroker or secondhand dealer and used in the investigation and/or prosecution of a crime shall be returned to the pawnbroker or secondhand dealer at such time as the property is no longer needed in the investigation and/or prosecution of the crime; provided, that such property deemed by the law enforcement agency to be stolen shall be returned to the owner of such property; provided, that before such property is returned to the owner thereof, the pawnbroker or secondhand dealer shall be notified of the superior claim of an owner and provided 10 business days' notice to contest the release of the property in a hearing to be held by the chief law enforcement officer of the law enforcement agency. In such event, the pawnbroker or secondhand dealer hearing shall request such hearing in writing. (Ord. 1621 § 1, 2007).

#### **5.20.100 License – Required when – Fee – Expiration date – Renewal.**

Any person, firm, or corporation engaging in the business of a pawnbroker or secondhand dealer within the corporate limits of the city of Burlington shall procure, under the conditions set forth in this chapter, from the city finance director, a city business license pursuant to chapter 5.04 BMC ~~with~~ a secondhand dealer or pawnbroker endorsement to the general business license that is issued through the Business Licensing Service under Chapter 5.04 BMC. “Secondhand dealer” includes any business that buys used goods for resale or recycling. Each employee handling such transactions is required to have a background check in order to have a licensean endorsement issued under this ~~code~~ chapter. Such license endorsement shall be obtained annually. The fee for such license endorsement shall be in an amount determined by resolution of the city council, regardless of the date on which the license endorsement is issued. The license endorsement shall expire ~~at midnight on the thirty-first day of December of each year~~ with the business license to which it is associated, and must be renewed prior to expiration. (Ord. 1688 § 6, 2009; Ord. 1621 § 1, 2007).

#### **5.20.110 Revocation of license.**

A. The finance director may deny a licensean endorsement to any applicant or may suspend all licenses of any holder when such person, or any person with an interest in the application for or holder of such license:

1. Has obtained a pawnbroker's or secondhand dealer's endorsement license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
2. Has failed to pay its pawnbroker or secondhand dealer endorsement license fee pursuant to this chapter; or



3. Has violated any conditions of this chapter, or of chapter 19.60 RCW.

A licensee shall have their license suspended for 30 days for the first violation; 90 days for the second violation; and upon the third violation in a 12-month period, the pawnbroker and/or secondhand dealer endorsement license shall be revoked.

B. Any licensee requesting an appeal of the denial, suspension or revocation of a pawnbroker or secondhand dealer endorsement license may do so in writing, specifying their objections, and filing such appeal with the finance director of the city of Burlington. The finance director will, within 14 days of receiving such notice of appeal, conduct an administrative hearing on the matter appealed. The licensee shall be given at least five days' notice prior to the hearing, excluding weekends and holidays. The finance director is hereby authorized to adopt reasonable rules by which the appeal hearing may be conducted. All decisions of the finance director are final, and appeal from there may be taken to superior court. (Ord. 1621 § 1, 2007).

**5.20.115 License – Display.<sup>1</sup>**

A person holding a pawnbroker's or secondhand dealer's license from the city of Burlington shall prominently display the license at the place of business of the licensee. (Ord. 1621 § 1, 2007).

**5.20.120 Criminal convictions.**

No person, firm, or corporation shall be eligible to receive a license as provided in BMC 5.20.100 if such person, or any employee of such firm or corporation, has been convicted of any violation of RCW 9A.52.020 through 9A.52.060 (burglary); any violation of chapter 9A.56 RCW (robbery, theft, possession of, or receiving, stolen property, trafficking in stolen property, vehicle prowling); any violation of chapter 9A.60 RCW (fraud); any violation of chapter 9A.68 RCW (bribery and corrupt influence); any violation of chapter 9A.72 RCW (perjury); any violation of chapter 9A.82 RCW (criminal profiteering); any violation of chapter 9A.83 RCW (money laundering); or any violation of chapter 9A.50 RCW constituting a felony (drug violations) within the preceding 10 years, whether such person was acting on his or her own behalf or as the agent of another. For the purposes of this section, offenses committed in states other than Washington that are substantially similar to those offenses identified herein shall be construed as being identical to violations of Washington law and shall render the individual committing the offense ineligible to receive a license as if the offense had been committed in Washington. The license of any pawnbroker shall be immediately revoked upon receipt of information by the city that such person, or any employee of any such firm or corporation, licensed as a pawnbroker has been convicted of any of the offenses identified in this section within the preceding 10 years, whether such person was acting in his or her own behalf or as the agent of another. In the event of a revocation of a license under the provisions of this section, there shall be no rebate of any license fee, or portion of any license fee. (Ord. 1621 § 1, 2007).

**5.20.130 Violations deemed gross misdemeanors – Designated.**

It is a gross misdemeanor for:

A. Any person to remove, alter, or obliterate any manufacturer's make, model or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property that is purchased, consigned, or received in pledge;

B. Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter, or to knowingly fail to make entry of any material matter, in any book, record, or writing required to be kept under this chapter;

C. Any pawnbroker or secondhand dealer to receive any property from any person under the age of 18 years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or secondhand dealer as having been convicted of any violation of RCW 9A.52.020 through 9A.52.060 (burglary); any violation of chapter 9A.56 RCW (robbery, theft, possession of, or receiving, stolen property, trafficking in stolen property, vehicle prowling); any violation of chapter 9A.60 RCW (fraud); any violation of chapter 9A.68 RCW (bribery and corrupt influence); and violation of chapter 9A.72 RCW (perjury); any violation of chapter 9A.82 RCW (criminal profiteering); any violation of chapter 9A.83 RCW (money laundering); or any violation of chapter 9A.50 RCW (drug violations) constituting a felony within the last 10 years whether the person is acting in his or her own behalf or as the agent of another;

D. Any pawnbroker or secondhand dealer to refuse to allow any prosecuting authority or any peace officer or officer of the city to inspect his or her records, or any goods received and in his or her possession during the ordinary hours of business;

E. Any person to fail to immediately notify the chief of police of the possession of any property which he or she may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him or her;

F. Any person to engage in the business of pawnbroker or secondhand dealer without first having procured a current annual license;

G. Any pawnbroker to engage in the business of cashing or selling checks, drafts, money orders, or other commercial paper serving the same purpose unless the pawnbroker complies with the provisions of chapter 31.45 RCW; or

H. Any person to knowingly violate any other provision of this chapter or chapter 19.60 RCW. (Ord. 1621 § 1, 2007).

#### **5.20.140 Violations – Penalty.**

A. Any violation of any provision of this chapter, other than those violations set forth in BMC 5.20.130, shall be a misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or by both fine and imprisonment.

B. Any violation of any provision set forth in this chapter that is specifically identified as a gross misdemeanor, including those violations set forth in BMC 5.20.130, shall be punishable by a fine not to exceed \$5,000 or imprisonment of less than one year, or by both fine and imprisonment. (Ord. 1621 § 1, 2007).

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<sup>1</sup> Code reviser's note: Ordinance 1621 adds the provisions of this section as Section 5.20.110. The section has been editorially renumbered to prevent duplication of numbering.

## Chapter 5.24

### AMUSEMENT CENTERS

#### Sections:

- 5.24.010 Definitions.
- 5.24.020 License – Required.
- 5.24.030 License – Conditions.
- 5.24.040 *Repealed.*
- 5.24.050 License – Application.
- 5.24.060 License – Fees.
- 5.24.070 Inspection of premises.
- 5.24.080 *Repealed.*
- 5.24.090 *Repealed.*
- 5.24.100 *Repealed.*
- 5.24.110 Operator and licensee requirements.
- 5.24.120 Visibility and access requirements.
- 5.24.130 Compliance with federal and state laws.
- 5.24.140 Conduct on premises.
- 5.24.150 License – Denial.
- 5.24.160 License – Revocation.
- 5.24.170 Violation – Penalty.

#### **5.24.010 Definitions.**

The following terms, for the purpose of this chapter, shall have the following meanings:

A. “Mechanical or electronic amusement devices” means any machine, device or game which, upon the insertion of a coin, slug, token, plate or disc, permits a person or operator of the same 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 the same to secure some amusement, enjoyment or entertainment, and which is not a gambling device or a device which tends to encourage gambling. It shall include, but not be limited to, pinball machines, skill ball, bowling machines, or any other mechanical or electronic games or operations similar thereto under whatever name they may be indicated.

B. “Operator” means any owner or lessee of such mechanical or electronic games who installs or maintains the same in any place of business which is not his own or under his direct control where the same can be played or operated by persons in the same place.

C. “Proprietor” means the person in whose place of business any such mechanical or electronic amusement device is placed for the use, amusement, patronage or recreating of the public or of persons in or about such place.

D. “Person” means any corporation, association, syndicate, joint stock company, partnership, club, society or individual.

E. "School" means any educational institution, public, private, secular, or parochial which offers instruction of high school grade or below.

F. "Street" means any street, alley, way, boulevard, or road, either public or private, that is used or to be used for ingress or egress.

G. "Amusement center" means any establishment operated for profit which houses mechanical or electronic amusement devices. (Ord. 1337 § 2, 1997; Ord. 1124 § 1, 1988).

**5.24.020 License – Required.**

It is unlawful for any person to maintain or display, for public patronage, or otherwise keep for operation by the public, any mechanical or electronic amusement device without first obtaining a license issued under the terms and conditions of this chapter. The license shall be issued to a specific person, firm or corporation for a specific location. (Ord. 1337 § 3, 1997; Ord. 1124 § 2, 1988).

**5.24.030 License – Conditions.**

A license issued under this chapter:

A. Is an annual license which expires December 31st of each year unless it is suspended or revoked earlier;

B. Is effective for a single place of business only;

C. Vests no property right in the licensee except to maintain or display for public patronage, and license the use of skill or pleasure devices in accordance with the terms and conditions of this chapter;

D. Is not assignable or transferable;

E. Is to be displayed on the business premises and such display shall be permanent and conspicuous; and

F. Is in addition to the general business license that may be required under Chapter 5.04 BMC.  
(Ord. 1337 § 4, 1997; Ord. 1124 § 3, 1988).

**5.24.040 License – Maximum number allowed.**

*Repealed by Ord. 1337.* (Ord. 1124 § 4, 1988).

**5.24.050 License – Application.**

The application for a license shall be made to the clerk/finance director on such forms as the clerk/finance director may require. (Ord. 1337 § 6, 1997; Ord. 1124 § 5, 1988).

**5.24.060 License – Fees.**

A. At the time of filing the application for a license, the applicant shall pay a fee in an amount to be determined by resolution of the city council for each mechanical or electronic amusement device employed.

B. Any device employed after the date of the initial application which has not paid the fee shall be reported immediately by the proprietor to the clerk/finance director and the fee paid. The nonpayment of fees shall cause the license to be revoked.

C. The license fee shall not be prorated nor shall it be refundable. (Ord. 1688 § 7, 2009; Ord. 1337 § 7, 1997; Ord. 1124 § 6, 1988).

**5.24.070 Inspection of premises.**

Before any license shall be issued, an investigation of the applicant and an inspection of the premises shall be made by the proper departments of the city and such other agencies as the city may deem necessary to determine whether the applicant and the premises fully comply with applicable ordinances, codes and regulations. Before a license is approved, the city planning/building departments shall determine whether the applicant is providing sufficient off-street parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. The standard for such determination, minimum off-street parking facilities, shall be the same as required by the zoning ordinance of the city, with additional facilities for general peak load parking requirements of the business being operated. The building official shall determine whether the premises and the location of the devices permit safe ingress and egress. (Ord. 1337 § 8, 1997; Ord. 1124 § 7, 1988).

**5.24.080 Parking facilities.**

*Repealed by Ord. 1337. (Ord. 1124 § 8, 1988).*

**5.24.090 Bicycle storage racks.**

*Repealed by Ord. 1337. (Ord. 1124 § 9, 1988).*

**5.24.100 Location restrictions.**

*Repealed by Ord. 1337. (Ord. 1124 § 10, 1988).*

**5.24.110 Operator and licensee requirements.**

Each operator or licensee shall:

A. At all times, open each and every portion of the licensed premises for inspection by the police department and/or any other city department for the purpose of enforcing any provision of this chapter.

B. At all times, display the license granted hereunder in a conspicuous place at the licensed establishment.

C. Have present on the premises a responsible employee or owner on duty for the purpose of supervising activities at all times that the premises are open to the public. Said employee shall not have been convicted of a crime involving alcoholic beverages, controlled substances or moral turpitude within the last three years. (Ord. 1337 § 12, 1997; Ord. 1124 § 11, 1988).

**5.24.120 Visibility and access requirements.**

All mechanical and electronic amusement devices must be visible and the entrance must be unlocked during all times that the premises are open for business. (Ord. 1337 § 13, 1997; Ord. 1124 § 12, 1988).

#### **5.24.130 Compliance with federal and state laws.**

Neither this chapter nor any provision herein contained shall include or apply to any act which is made a public offense by the Revised Code of Washington, or by any other law of the state of Washington or of the United States Government; nor shall this chapter or any provision herein contained authorize or permit or be construed as authorizing or permitting the keeping, maintaining, using or operating in the city of any contrivance or device otherwise prohibited by law. (Ord. 1124 § 13, 1988).

#### **5.24.140 Conduct on premises.**

No amusement center operator or licensee, directly or indirectly, or by any servant, agent or employee shall:

- A. Permit any indecent, immoral or profane language, or indecent, immoral or disorderly conduct;
- B. Permit the licensed premises to become a resort for disorderly persons of any type;
- C. Permit intoxicated persons to loiter on the premises;
- D. Permit the possession or use of any alcoholic beverage on the premises unless licensed to dispense alcoholic beverages;
- E. Permit the possession or use of any unlawful drug or narcotic, including marijuana, on the premises. (Ord. 1337 § 14, 1997; Ord. 1124 § 14, 1988).

#### **5.24.150 License – Denial.**

No license shall be issued:

- A. Where the individual operator, managing agent of a corporation or active partner or employee has been convicted of a felony involving a controlled substance, alcohol, minors or moral turpitude;
- B. For any premises, unless all terms and conditions of this chapter and all other applicable codes and ordinances are complied with;
- C. For any premises that have living quarters with direct entry to the premises;
- D. Whenever it is determined that the denial of such license is necessary for the protection, conservation of the character and social and economic stability of the surrounding area. (Ord. 1124 § 15, 1988).

#### **5.24.160 License – Revocation.**

The city council shall have the right to revoke any license or deny the annual renewal thereof when it appears to its satisfaction that any operator or licensee has violated this chapter, any other ordinance of the city of Burlington, or statute of the state of Washington, or of the United States, involving controlled substances, alcohol, minors, or any offense involving moral turpitude. The revocation of any license or the denial of a renewal thereof shall not be made without a hearing. The licensee shall be given 30 days' written notice of the city's intent to revoke. If during said 30-day period, the licensee addresses the violations to the city's satisfaction, the city shall not revoke the license. The licensee shall be given prior written notice of the hearing which shall set

forth the time and place of the hearing and the reasons for such revocation or denial of renewal of said license. (Ord. 1337 § 16, 1997; Ord. 1124 § 16, 1988).

**5.24.170 Violation – Penalty.**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Each day of continued violation shall constitute a separate additional violation. (Ord. 1124 § 17, 1988).

## Chapter 5.30

### MOBILE VENDORS

#### Sections:

- 5.30.010 Definitions.
- 5.30.020 Mobile vendor business – License required – Exemptions.
- 5.30.030 Display of license.
- 5.30.040 Restrictions applicable to all mobile vendors.
- 5.30.050 Mobile food vendor – Restrictions.
- 5.30.060 Director’s rules.
- 5.30.070 License application – Contents.
- 5.30.080 License fee.
- 5.30.090 Compliance with regulations.
- 5.30.100 Violation – Penalty.

#### **5.30.010 Definitions.**

A. “Cart” means a mobile, nonmotorized vehicle or conveyance which is intended to be pushed, pulled or otherwise used by a mobile vendor for the transport of any food, goods, wares or merchandise of any name, nature or description.

B. “City” means the city of Burlington.

C. “Food” shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not by way of limitation, candy, popcorn, hot dogs, tacos, sandwiches, peanuts, soft drinks, ice cream and dairy products.

D. “Mobile food preparation van” means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

E. “Mobile food vendor” means a seller of foods from a mobile food preparation van, cart or other conveyance, whether upon the public streets, alleys or public property or on private property.

F. “Mobile vendor” means a transient business selling or delivering food or goods in the city.

G. “Technical committee” means representatives of public works, police, planning, building, and fire departments who conduct a preliminary review meeting on permit applications to ensure code compliance.

H. “Vending unit” means a mobile food preparation van, cart, or other conveyance, or any facility that is not on a permanent foundation that complies with the International Building Code, and which is used for the sale or delivery of food or goods. (Ord. 1759 § 1, 2012).

#### **5.30.020 Mobile vendor business – License required – Exemptions.**

No person, firm or corporation shall engage in a mobile vendor business without having first obtained a ~~business~~ license from the city clerk to do so, which is in addition to the general license



that may be required under Chapter 5.04. BMC; provided, however, that no license under this chapter shall be required of the following:

- A. Persons who conduct a casual or isolated sale and who are not engaged in the business of selling the type of food or goods involved;
- B. Associations, corporations or organizations not organized for profit, and any community fund or foundation organized and operated exclusively for religious, scientific, public or charitable purposes, no part of the earnings of which inures to the benefit of any private shareholder, owner, member or individual, and the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.
- C. Seasonal fresh fruits and vegetables that are unprepared and similar agricultural products, as exempted by RCW 36.71.090.
- D. Any “hawker” or “peddler,” as those terms are defined in chapter 5.16 BMC, that is also licensed under that same chapter.
- E. Any mobile vending conducted within a public park as part of a street fair, carnival, athletic activity, or other public event authorized by and in accordance with a permit issued by the city for that purpose. (Ord. 1759 § 1, 2012).

**5.30.030 Display of license.**

All mobile vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile vendor sells products. (Ord. 1759 § 1, 2012).

**5.30.040 Restrictions applicable to all mobile vendors.**

- A. Mobile vending on the public streets and public rights-of-way within the corporate limits of the city shall not be permitted, except for persons selling frozen prepackaged/individually wrapped food items regulated by chapter 5.16 BMC such as ice cream, as long as such vendors are present at one location no more than 10 minutes at a given time; or authorized participants in a city-approved event, festival, sports tournament or similar activity.
- B. Mobile vending to serve local businesses’ employees at the local businesses’ location shall be permitted when authorized by the business, such as manufacturers located at the Burlington Hill Business Park, for the period of time that it takes to set up, serve, and close up.
- C. It shall be a violation of this chapter for any mobile vendor to obstruct or cause to be obstructed the passage of any pedestrian or vehicle on any public sidewalk, street, or any other public right-of-way, including customer queues or customers consuming any food sold by the mobile vendor at or near the place where any items are being sold or offered for sale. Except as explicitly allowed herein or in chapter 5.16 BMC, no items may be offered or sold, and no customers served, in any traveled portion of a public roadway.
- D. No mobile vendor shall sell or deliver any food or goods from the mobile vendor’s vending unit, cart, or other vehicle or conveyance if the conveyance is within 100 feet of the entrance of any business establishment which is open for business and offers for sale similar food or goods for sale, without the consent of said business.

E. Notwithstanding any provision of this chapter to the contrary, the director of planning is authorized to adopt rules relating to the time, place, and manner in which a nonprofit organization may vend merchandise in which the organization's political, religious, sociological, or ideological message is inextricably intertwined if the sale exercises the permittee's rights guaranteed by the United States or the Washington Constitution. Such rules may address the issuance and duration of permits, the size and placement of tables and other equipment used, their siting and location on public property, the type of merchandise offered for sale, advertising and posting of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to accompany applications for registration, among other subjects. (Ord. 1759 § 1, 2012).

**5.30.050 Mobile food vendor – Restrictions.**

Temporary use permits for mobile food vendors may be issued by the planning commission for up to 12 months on private property meeting the following conditions:

A. In addition to the application materials set out in BMC 5.30.070, the submittal requirements for technical committee and planning commission include providing a site plan, a simple sketch of the site layout, depicting the following:

1. Ingress and egress.
2. Location of the vending unit.
3. Location of at least three spaces for customer parking and one space for handicapped parking.
4. If needed to provide a suitable surface, a layer of crushed rock may be required for the public area.
5. A photograph of the mobile unit, proposed signs, and any equipment.
6. Written approval by the Skagit County Health Department that the food preparation and service complies with health regulations.
7. Evidence of a current state of Washington vehicle registration.
8. Provide a written plan documenting appropriate disposal of wastewater generated by the vending unit.
9. Documentation that the vending unit has been approved by the state of Washington Department of Labor and Industries.
10. Evidence of necessary approvals from the Burlington fire department in the event combustible fuels will be used.

B. The technical committee shall review and approve the site plan before it is submitted to the planning commission for access, parking, signage, handling of wastewater, garbage disposal and other safety issues.

C. Comply with the standards of the state of Washington Department of Labor and Industries for electrical service to the mobile food preparation van. In no event shall the permittee locate electric lines overhead or on the ground surface in any location in which the public has access.

D. The site shall be left clean and vacant each day, including picking up trash and litter, whether or not generated by the customers.

E. The use of any portion of the vending unit as living or sleeping quarters is prohibited.

F. All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings, shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles. Flashing lights and similar displays are prohibited.

G. All exterior trash receptacles not intended for customer use shall be screened from public view and securely covered.

H. Written permission from the property owner. This includes written permission for staff to use their restrooms. No portable restrooms are allowed on the site, provided that a portable restroom may be approved for interim use if there are no permanent restrooms available from an on-site business, as long as it is located at least 120 feet from an arterial street and screened.

I. Applicant may wish to consider adding landscaping to the site for longer term use. Landscaping shall be maintained in good condition.

J. Wastewater.

1. Food vans shall be required to install an appropriate grease trap and maintain it.
2. Grease shall be dumped in the garbage and wastewater in the sanitary sewer.
3. There shall be no portable restrooms allowed on site.

K. One portable pop-up 10-foot-by-12-foot tent canopy or umbrella may be used for cover for patrons, or up to three tables with beach type umbrellas. Umbrellas and canopies must be removed at the end of each day.

L. Cooking with wood or other smoke-producing devices is strictly limited to residential size barbecues not located near residences with the concurrence of the neighbors and no complaints with approval of the planning department.

M. The hours of operation for mobile vending are limited to between 7:00 a.m. and 9:30 p.m.

N. Mobile vendors shall not use amplification or noise-making devices and the permittee shall comply with chapter 8.14 BMC, Noise Abatement and Control.

O. Mobile vendors shall be responsible for ensuring that customer queues do not encroach into any abutting roadway when the street is open for vehicular traffic.

P. The owner of real property on which a mobile vendor is located shall be responsible for overall site maintenance such as added landscaping, provision of a picnic shelter with a building permit on an interim basis, and making sure that the mobile vendor complies with the permit conditions.

Q. Mobile food vendors may not serve alcoholic beverages. (Ord. 1759 § 1, 2012).

**5.30.060 Director's rules.**

The planning director may promulgate rules to implement this chapter. The rules may address the subjects identified in this chapter and other subjects the director believes may aid in the implementation of this chapter. (Ord. 1759 § 1, 2012).

**5.30.070 License application – Contents.**

A. In addition to the application materials set out in BMC 5.30.050, any person, firm, or corporation desiring to secure a license as a mobile vendor shall make application to the finance director, on forms to be provided by the finance director.

B. The application for a mobile vendor business license shall state the name and address of the applicant; the vehicle license numbers of all motor vehicles from which the applicant proposes to conduct business; a description of the general type of food or goods proposed to be sold by the applicant; and the address or addresses where the applicant proposes to engage in business as a transient business.

C. Such application shall be accompanied with the license fee as provided for in this chapter, and evidence of a Washington State Department of Revenue business registration number. (Ord. 1759 § 1, 2012).

**5.30.080 License fee.**

Business license fees shall be as fixed in an amount determined by council resolution of the city council. (Ord. 1759 § 1, 2012).

**5.30.090 Compliance with regulations.**

All food vendors engaged in the sale of food shall comply with all laws, rules and regulations regarding food handling, and all mobile food preparation vans and motor vehicles used by mobile vendors shall comply with all applicable laws, rules and regulations respecting such vehicles as established by the Skagit County Health Department, the Washington State Motor Vehicle Code, and the Burlington Municipal Code. All mobile vendors and food vendors shall further be responsible for cleaning up each day all litter originating from their business and within a 150-foot radius of the location where any sales occur. (Ord. 1759 § 1, 2012).

**5.30.100 Violation – Penalty.**

Failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is designated as a civil infraction and may not be classified as a criminal offense. Any person, firm or corporation found to have committed an infraction under this chapter shall be assessed a monetary penalty. No penalty assessed for infractions under this chapter may exceed \$500.00 for each separate infraction. (Ord. 1759 § 1, 2012).

### **17.70.090 Home occupations.**

A. General Requirements. All home occupations, including permitted and conditional home occupations, shall be consistent with the following:

1. Only members of the immediate family residing on the premises may be employed;
2. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. Items commonly collected or traded, and occasionally sold by hobbyists such as coins, stamps, antiques, etc., may be considered to be exempt from this provision, as long as all other requirements of home occupations are met;
3. No mechanical equipment is used except such as is customarily used for domestic, household or personal purposes (or as deemed similar in terms of power and type);
4. Not more than one-fourth of the floor area of any building is devoted to such occupation, except accessory buildings which are used for no other purpose;
5. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a dwelling;
6. Shall not involve the use of commercial vehicles for the distribution of materials from the premises;
7. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking. Additional parking is not allowed in order to conduct a home occupation;
8. Only one sign is permitted, two square feet in area, indirect illumination only, and attached to a building or inside the home;
9. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences;
10. No more animals are maintained on the premises than what may otherwise be permitted in the zone;
11. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sound, noises, vibrations or odors.

B. Exemptions. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of this section as long as the use is not conducted on more than four days in any given two-year period or in violation of any other provisions of the Burlington Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

C. A conditional use permit is required and must be granted by the city council for the following home occupation uses, even if the use meets all 11 of the requirements of subsection (A) of this section but in no case shall any home occupation meet less than nine of the 11 requirements:

1. Automobile repair and rebuild;
2. Craft classes;
3. Home occupations that can only meet nine or 10 of the 11 requirements as outlined in subsection (A) of this section;
4. Music and dancing studios.

D. Additional Requirements. In addition to the requirements identified above, any home occupation identified as a conditional use shall be subject to the following:

1. In considering applications for home occupation conditional use permits, the hearing examiner shall consider the nature and conditions of all adjacent uses and structures, and no such special home occupation permit shall be authorized unless the city council finds that the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such permit will be consistent with the spirit and purpose of this title.
2. The hearing examiner may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest. (Ord. 1857 § 2 (Exh. B), 2018).

**ORDINANCE 1861**

**AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING  
SECTION 5.04 OF TITLE 5 OF THE CITY OF BURLINGTON  
MUNICIPAL CODE, TO COMPLY WITH RCW 35.90.**

**WHEREAS**, pursuant to EHB 2005, the State of Washington revised RCW 35.90, related to Municipal Business Licensing; and

**WHEREAS**, RCW 35.90 now requires the City of Burlington to administer business licenses through the State's Business Licensing System (BLS); and

**WHEREAS**, RCW 35.90 also requires the City of Burlington to adopt one of two potential options regarding the definition of "engaging in business" and a minimum threshold exemption to establish when transient or out-of-town businesses are required to be licensed; and

**WHEREAS**, RCW 35.90 requires that the City of Burlington adopt the changes described above on or before October 17, 2018; and

**WHEREAS**, City staff have studied the options presented by RCW 35.90 and determined that businesses under a certain threshold that do not maintain a place of business within the city should be exempt from general business licensing requirements; *and*

**WHEREAS**, requiring all businesses that do business within the city limits of the City of Burlington to submit a business license registration application regardless of gross sales volume generated is necessary to ensure compliance with land use codes and to preserve the general health, safety and welfare of the population of Burlington.

**NOW THEREFORE, THE CITY COUNCIL OF BURLINGTON, DO ORDAIN AS FOLLOWS:**

**BMC Section 5.04.030 hereby amended to add section H, to read as follows:**

The provisions of this chapter shall not apply to:

A. Any instrumentality of the United States, the state of Washington, or political subdivisions thereof with respect to the exercise of governmental functions;

B. Any person paying a business and occupation tax to the city under the terms of chapter 5.12 BMC or under the terms of future ordinances of the city shall be exempt from the payment of any license or tax under this chapter during the year or years covered by such other ordinances;

C. Employees of any business entity, while such employees engage in business solely on behalf of that business entity;

D. Newspaper carriers under the age of 18;

E. Any business entity located outside the corporate limits of Burlington making delivery of goods purchased outside the city's corporate limits, where such business entity is not otherwise subject to the licensing provisions of this chapter;

F. The nonbusiness activities of religious organizations are exempt from the provisions of this chapter; provided, that any religious organization which engages in business for which it may be required by federal law to file a federal income tax return shall, to that extent only, be subject to the license and license fee requirements of this chapter; or

G. Any person, business, enterprise, firm, or corporation which the city is forbidden to tax under state or federal law.

*H. For purposes of the license by this chapter, 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 submit a business license registration to the City Finance Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit*

**BMC Section 5.04.040 is hereby amended to read as follows:**

Applications for a business license *and/or business registration* shall be made to and issued by the *Finance Director* of the city on forms provided by the *Finance Director*, on which shall be stated the residence of the applicant; an emergency notification name, address, and telephone number; the nature of the applicant's business or business activity; the place where it is proposed to be conducted; the applicant's uniform business identification number (if such number is required to be issued by the state of Washington); and the amount of the fee prescribed by this *Ordinance of the Burlington City Council*. If the city Finance Director finds the application to be correct, the finance director shall, upon payment of the fee, issue a license in accordance with this chapter. *If required by the State of Washington, or at the discretion of the Finance Director if not required by the State of Washington, business license applications may instead be administered by the State of Washington through the State's Business Licensing Service (BLS) or other similar service offered now or in the future by Washington State.*

Effective date. This ordinance shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law.

**INTRODUCED AND PASSED** and approved at a regular meeting of the City Council this 27<sup>th</sup> day of September, 2018.

**CITY OF BURLINGTON**



Steve Sexton, Mayor

ATTEST:



Renee Sinclair, Budget & Accounting Director

APPROVED AS TO FORM:



Leif Johnson, City Attorney

Published: 10/01/2018