

ORDINANCE NO. 279

AN ORDINANCE relating to business licenses and regulations; prescribing penalties for the violation thereof; and repealing certain Town ordinances.

WHEREAS, the Town of Yacolt has the authority pursuant to RCW 35.27.370(9) to license, for purposes of regulation and revenue, all and every kind of business authorized by law and transacted or carried on in the Town; and all shows, exhibitions and lawful games carried on therein and within one (1) mile of the corporate limits of the Town; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise;

WHEREAS, the Town of Yacolt has the authority pursuant to RCW 35.29.370(14) to impose fines, penalties and forfeitures for any and all breach or violation of ordinances.

NOW, THEREFORE,

BE IT ORDAINED by the council of the Town of Yacolt, Washington, as follows:

Section 1. Repealer. The provisions of this ordinance shall hereby repeal the following Town of Yacolt ordinances: #116, 121, 133, and also repeal any other ordinances or resolutions not specifically named, but in consistent with the ordinance herein adopted.

Section 2. Revenue Power. The provisions of the ordinance shall be deemed an exercise of the power of the Town to license for revenue.

Section 3. Definitions. In construing the provisions of this ordinance, except where otherwise declared or clearly apparent from the context, the following definitions shall be applied:

A. "Person" or "company", herein used interchangeably, means any person, individual, trust, estate, firm, partnership, individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

B. "Business" includes all activities, engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

c. "engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

Section 4. Business License Required. No person shall engage in any business or activity in the Town of Yacolt without having first obtained and being the holder of a valid and subsisting license to do so, to be known as a business license, issued under the provisions of this Ordinance, as hereinafter provided, and without paying the license fee imposed by this Ordinance, in the sum of Twenty-five dollars (\$25.00) per year, as a license fee, which shall accompany the application for the license. Such fee shall be in addition to any other fee required by other Ordinances. Such license shall expire at the end of the calendar year for which it is issued, and a new license and fee shall be required for each calendar year. Application for the license shall be made to and issued by the Clerk on forms provided by him.

The license shall be personal and nontransferable. In case business is transacted at two or more separate places in the Town by one person, a separate license for each place at which business is transacted with the public shall be required. Each license shall be numbered, shall show the name, place and character of business of the taxpayer, such other information as the clerk deems necessary, and shall at all times be conspicuously posted in the place of business.

No person to whom a license has been issued pursuant to this Ordinance shall allow any other person for whom a separate license is required to operate under or to display his license, nor shall such other person operate under or display such license.

Section 5. Method of Business License Payment. The license fee payable under this Ordinance shall be paid to the Town Clerk by bank draft, certified check, cashier's check, personal check or money order, made payable to the order of the clerk, or in cash. If payment is made by draft or check, the fee shall not be deemed paid unless the draft or check is honored in the usual course of business: ~~nor~~ shall the acceptance of any sum by the clerk be an acquittance or discharge of the fee due unless the amount of the payment is the full and actual amount due.

The clerk is authorized, but not required, to mail to persons forms for applications for license, but failure of the person to receive any such forms shall not excuse him from making application for and securing the license required when and as due under this ordinance.

Section 6. Sale or Transfer of Business. Upon the sale or transfer during any calendar year of a business on account of which a license fee is required by this ordinance, the purchaser or transferee shall, if the fee has not been paid in full for that period, be responsible for the payment of the fee for that portion of the calendar year during which he carries on such business.

Section 7. Tax or Fee Constitutes Debt. Any license fee due and unpaid under this ordinance, and all penalties thereon, shall constitute a debt to the Town of Yacolt and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

Section 8. License Revocation. The clerk may revoke the license issued to any person who is in default in any payment of any license fee hereunder, or who shall fail to comply with any of the provisions of this ordinance. Notice of such revocation shall be mailed to the person by the clerk, and on and after the date thereof any such person who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties herein provided.

Section 9. Notices. Any notice required by this ordinance to be mailed shall be sent by ordinary mail, addressed to the address of the person or taxpayer as shown by the records of the town clerk, or if no such address is shown, to such address as the town clerk is able to ascertain by reasonable effort. Failure of the person or taxpayer to receive such mailed notice shall not release the taxpayer from any license fee or tax or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this ordinance.

Section 10. Penalties for Violations. Any person violating or failing to comply with any of the provisions of this ordinance or any lawful rule or regulation adopted by the clerk pursuant thereto, upon conviction thereof, shall be punished by a fine in any sum not to exceed Five Hundred and No/100 Dollars, or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment.

SECTION 11. CONSTRUCTION. Words in the singular number include the plural, and the plural include the singular. Words in one gender include the other gender also.

SECTION 12. SEVERABILITY. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision or section of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of the application to other persons or circumstances.

SECTION 13. EFFECTIVE DATE. This Ordinance shall take effect and be in force January 1, 1987, after its passage and publication according to Law.

Passed by the Town Council of the Town of Yacolt, Washington, this 7 day of October, 1986.

Jim Worthington
Mayor

Irene Christiansen
Clerk/Treasurer

AYES Councilman Jolma, Grooms, Brattin

NAYES Councilman Madison

ABSENT Councilman Norton

MAYOR Jim Worthington ATTEST Irene Christiansen

CERTIFICATE

I, the undersigned, Clerk of the Town of Yacolt, Washington (herein called the "Town"), DO HEREBY CERTIFY:

1. That the attached ordinance numbered _____ (herein called the "Ordinance") is a true and correct copy of an ordinance of the Town as finally passed at a meeting of the Council of the Town held on the 7 day of October, 1986, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town this 7 day of October, 1986.

Steve Christensen
Clerk

[Town Seal]