

ORDINANCE NO. 246

AN ORDINANCE relating to and providing for a license fee upon certain businesses, occupations, pursuits and privileges within the Town of Redmond; defining offenses and prescribing penalties therefor.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF REDMOND:

Section 1 Purpose. The provisions of this ordinance shall be deemed an exercise of the power of the Town of Redmond to license for revenue and for regulation.

Sec. 2 Scope. All persons engaging in a business or occupation within the limits of the Town of Redmond as hereinafter defined shall be subject to the provisions of this ordinance.

Sec. 3 Definitions. Where used in this ordinance, the following words and terms shall have the meaning herein defined, unless, from the context, a more limited or different meaning is clearly defined or apparent.

(1) Business shall include all activities, occupations, pursuits, or professions located and/or engaged in within the Town of Redmond, with the object of gain, benefit or advantage to the taxpayer, or to another person or class, directly or indirectly. Each business location shall be deemed a separate business.

(2) Business License is that document issued by the Town to a taxpayer licensing the transaction of the indicated business by the person whose name appears thereon for the stated year.

(3) Engaging in Business. The term "engaging in business" means commencing, conducting or continuing in any business, and also the exercise of corporate or franchise powers, and shall include the liquidating of a business when the liquidators hold themselves out to the public as conducting such business.

(4) Person. The word "person" shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any group of individuals acting as a unit.

(5) Taxpayer The word "taxpayer" shall include any person who engages in business or who is required to have a business license hereunder, or who performs any act, for which a license fee is imposed by this ordinance.

(6) Town shall mean the Town of Redmond.

(7) Year shall mean a calendar year.

Sec. 4 Business License Required. On or after the effective date of this ordinance, no person shall engage in any business or activity in the Town of Redmond for which a license fee is imposed by this ordinance without first having obtained and being the holder of a valid and subsisting license so to do, to be known as a "Business License", issued under the provisions of this ordinance, and without paying the license fee imposed by this ordinance.

The application for a license shall be made on forms provided by the Clerk or other designated officer and shall set forth the name of the applicant, his residence, place of business, the nature of the business, the number of employees, and shall be accompanied by the amount of the license fee imposed by this ordinance. Every license granted under this ordinance shall be posted in a conspicuous place in the place of business of the

licensee. Such license shall expire at the end of the calendar year in which it is issued, and a new license shall be required for each ensuing calendar year. Any license issued under and by virtue of the provisions of this ordinance shall be personal and non-transferable. In case business is transacted at two or more separate places by one taxpayer, a separate license for each place at which business is transacted with the public shall be required. Each license shall be numbered, and shall show the name of the licensee, business address and the character of the business transacted.

The Clerk or other designated officer, is authorized, but not required, to mail to taxpayers forms for applications for licenses, but failure of the taxpayer to receive any such forms shall not excuse the taxpayer from making applications for and securing the license required and payment of the license fee, when and as due hereunder.

Sec. 5 Persons Subject - Fees and Payment. On or after the effective date of this ordinance, there is hereby levied upon and shall be collected from every person engaging in business in the Town of Redmond an annual license fee in the amount of \$15.00 for the privilege of engaging in business activities. Such annual license fee shall become due and payable on the first day of each calendar year as to any business required to have a business license hereunder and in existence on said date. As to any business commenced during the year, the annual license fee shall be due and payable on the first day that business is transacted or carried on.

Payment made by draft or check shall not be deemed a payment of the fee unless and until the same has been honored in the usual course of business, nor shall acceptance of any such check or draft operate as an acquittance or discharge of such fee unless and until the same is honored.

If any person required by the terms and provisions of this ordinance to pay a license fee for any period shall fail or refuse to do so, he shall not be granted a license for the current period until such delinquent license fee, together with penalties, has been paid in full. Any license fee due and unpaid under this ordinance and any penalties thereon, shall constitute a debt to the Town of Redmond 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.

Sec. 6 Operating Without a License - Delinquent Payment Any person who engages in, or carries on, any business subject to the payment of a license fee hereunder without having obtained a "Business License" to do so shall be guilty of a violation of this ordinance for each day during which the business is so engaged in, or carried on; and any person subject thereto who fails or refuses to pay the license fee, or any part thereof, on or before the due date, shall be deemed to be operating without having obtained a license to do so.

Failure to pay the license fee within 30 days after the day on which it is due and payable shall render the taxpayer subject to a penalty of five percent of the amount of the license fee for the first month of delinquency, an additional penalty of five percent for each succeeding month of delinquency, but not exceeding a total penalty of twenty-five percent of the amount of such license fee in any event.

Sec. 7 License Fee Additional to Others Imposed. The license fee herein levied shall be additional to any license fee or tax imposed or levied under the law or any other ordinance of the Town except as herein otherwise expressly provided.

Sec. 8 Exemptions. The provisions of this ordinance shall not apply to:

(1) National banks, state banks, trust companies, mutual savings banks, building and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any other business subject to the provisions of this ordinance.

(2) Any instrumentality of the United States, State of Washington, or political subdivision thereof with respect to the exercise of governmental functions.

(3) Any farmer, gardner, or other person who shall sell, deliver or peddle any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in this state.

Sec. 9 Penalties. Any person violating or failing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding \$ 100⁰⁰, or by imprisonment in the Town Jail not exceeding 30 days or by both such fine and imprisonment.

Sec. 10 License Fee for 1961. For the year 1961, any business in existence on the effective date of this ordinance and required to pay a license fee as provided herein shall have a period of 60 days from said effective date to comply with the provisions of this ordinance.

Sec. 11 Validity. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 12 Effective Date. This ordinance, after its passage, approval and publication as required by law, shall take effect and be in force on January 1, 1961.

PASSED by the Council of the Town of Redmond at a regular meeting thereof and APPROVED by the Mayor this 14 day of November, 1960.

TOWN OF REDMOND

MAYOR

ATTEST:

Clerk

Approved as to Form:

Town Attorney