

ORDINANCE NO. 2020-____

AN ORDINANCE amending Yakima Municipal Code Title 5 – Licenses and Business Regulations

WHEREAS, the City, pursuant to state requirements, is using the Washington State business licensing service through the Department of Revenue; and

WHEREAS, in doing so, certain code changes were necessary to clearly indicate that additional regulatory licenses would be required from the City; and

WHEREAS, during review of Title 5 to conform to and work in conjunction with the state's business licensing services, staff found additional changes that are beneficial to the City as well as its residents and business owners; and

WHEREAS, the changes made to Chapter 5.57 reflect that the Yakima Health District requires mobile food vendors to provide all requirements outlined in WAC 246-215-09100 and other applicable laws and regulations, and the City's requirements to produce the same information were duplicitous as the City requires that mobile food vendors obtain Yakima Health District permits prior to obtaining the City's regulatory mobile food vendor permit; and

WHEREAS, the City Council of the City of Yakima hereby finds and determines that approval of these amendments to Title 5 is in the best interests of the City of Yakima, its residents and business owners, and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 5.01.030 is hereby amended to read as follows:

5.01.030 Enforcement duties of code administration manager and the director of community development.

It is the duty of the code administration manager to enforce this title with the exception of Chapter 5.90. It is the duty of the director of community development to enforce Chapter 5.90.

Section 2. Section 5.11.020 is hereby amended to read as follows:

5.11.020 Panoram location license—Required.

It is unlawful for any person who owns or occupies any premises for business purposes to display, exhibit, expose or maintain upon those premises any peepshow or panorama without having obtained a license to do so according to the provisions of this chapter, which license shall be designated a panorama location license. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 3. Section 5.12.020 is hereby amended to read as follows:

5.12.020 Licenses.

A. Licenses Required. Commencing March 1, 1987, it is unlawful for any person to install, maintain or operate in any business establishment or for the purposes of profit within the city of Yakima any amusement device, pool table or billiard table without first obtaining from the city the applicable license and paying to the city of Yakima the appropriate license fee as required by this section. The licenses required under this chapter are separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

B. Business Operator's License—Fee. Each business operator who installs, maintains or operates an amusement device owned by the business operator at the business operator's location shall pay an annual license fee of fifteen dollars and seventy-five cents per amusement device. This license shall be for each amusement device and, at the time of obtaining the license, the business operator shall furnish the city with all appropriate information as may be required, including a description and serial number of each amusement device being licensed.

The license fee for each billiard table or pool table shall be the amount of fifty-three dollars and forty-eight cents per year, payable annually in advance to the city at the time application is made for such license.

C. Location Licenses for Amusement Device Operators. Each amusement device operator shall, before doing business within the city limits of the city of Yakima, obtain a license from the city by paying an annual license fee of fifteen dollars and seventy-five cents per amusement device. The amusement device operator shall furnish the city with all information as may be required including, but not limited to, a list of locations where the amusement operator has installed, maintains, or operates amusement devices, pool tables and billiard tables, and the number and location of the same.

Section 4. Section 5.26.020 is hereby amended to read as follows:

5.26.020 License required.

Except as to sales under judicial process, it shall be unlawful for any person to hold any sale defined in Section 5.26.010 hereof, or to advertise, represent or hold out that any sale of goods, wares or merchandise is a sale of distress goods, wares or merchandise or is a removal or closing out sale in the city of Yakima unless such person shall have first obtained a license to conduct such sale pursuant to the provisions of this chapter. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 5. Section 5.28.010 is hereby amended to read as follows:

5.28.010 License required.

It is unlawful for any person, firm, association, society or corporation owning or controlling any hall or floor space in the city of Yakima to allow the same to be used as a public dancehall or cabaret without first obtaining a license so to do as hereinafter provided. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 6. Section 5.28.020 is hereby amended to read as follows:

5.28.020 Permit required.

It is unlawful for any person, firm, association, society or corporation to engage in, sponsor or conduct public dances or cabarets in any unlicensed hall or floor space in the city of Yakima; and provided further, it is unlawful for any person, firm, association, society or corporation to engage in, conduct or sponsor public dances or cabarets in the city of Yakima without first obtaining a permit so to do as hereinafter provided. The permits required under this chapter are separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 7. Section 5.30.005 is hereby amended to read as follows:

5.30.005 Intent.

This chapter is intended to protect the general public health, safety and welfare of the citizenry of the city through the regulation of the operations of adult entertainment establishments. The regulations set forth in this chapter are intended to prevent health and safety problems in and around entertainment establishments and to prevent dangerous and unlawful conduct in and around adult entertainment establishments. The licenses required under this chapter are separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 8. Section 5.42.020 is hereby amended to read as follows:

5.42.020 Licenses required—Fees.

It is unlawful for any person, firm or corporation to engage in the business of buying, selling or collecting junk in the city of Yakima without first obtaining from the city a license so to do, which shall be known as a junk dealer's license. The fee for issuing such license shall be one hundred fifty-three dollars and fifteen cents per year, and no license shall be issued for a period of more or less than one year. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 9. Section 5.46.010 is hereby amended to read as follows:

5.46.010 License required.

No premises holding a state license for the sale of beer, wine, whiskey, or other intoxicating liquor for consumption upon the premises shall provide or allow music, dancing or entertainment to be conducted on such premises unless the owner or operator thereof has first secured a city license so to do, provided that the words "music" and "entertainment" as herein used shall not apply to radios, television sets or mechanical musical devices, where dancing is not permitted. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 10. Section 5.50.030 is hereby amended to read as follows:

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 having first obtained, and being the holder of, a valid and subsisting license to do so, to be known as an occupation license.

Any person engaging in, or carrying on, more than one such business, occupation, pursuit or privilege shall pay the license tax so imposed upon each of the same.

Any taxpayer who engages in, or carries on, any business subject to tax hereunder without having his or her occupation license to do so shall be 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 a part thereof on or before the due dates shall be deemed to be operating without having his or her license to do so.

The license or licenses and respective fees or taxes required under this chapter are separate from, and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable.

Section 11. Section 5.52.020 is hereby amended to read as follows:

5.52.020 Definitions.

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

(a) "Year" means calendar year.

(b) "Person" means any individual, firm, copartnership, company, corporation, association, receiver, assignee, trustee in bankruptcy, trust, estate, joint venture, club, joint-stock company, business trust, society, or any group of individuals acting as a unit.

(c) "Business" includes all activities, occupations, trades, pursuits or professions located and/or engaged in within the city of Yakima, 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.

(d) Engaging in Business.

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

(2) 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 minimis 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 (d)(1) of this section. 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.

(3) Without being all-inclusive, any one of the following activities conducted within the city by a person, or its employees, 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:

(i) 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.

(ii) Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the city.

(iii) Soliciting sales.

(iv) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(v) 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.

(vi) Installing, constructing, or supervising installation or construction of real or tangible personal property.

(vii) Soliciting, negotiating, or approving franchise, license or other similar agreements.

(viii) Collecting current or delinquent accounts.

(ix) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(x) 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.

(xi) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(xii) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(xiii) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on behalf, or for customers or potential customers.

(xiv) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(xv) 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.

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

(4) 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 for the following, it need not register and obtain a business license:

(i) Meeting with suppliers of goods and services as a customer.

(ii) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(iii) 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.

(iv) Renting tangible or intangible property as a customer when the property is not used in the city.

(v) 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, where applicable.

- (vi) Conducting advertising through the mail.
- (vii) Soliciting sales by phone from a location outside the city.
- (5) 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 (d)(4) of this section. 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.
- (e) "Employee" means any person employed at any business location within the city and/or any person furnishing or performing services within the city, and in addition includes all persons who are self-employed.
- (f) "Taxpayer" includes any person who engages in business or who is required to have a business license hereunder, or who is liable for any license fee or tax hereunder, or who performs any act, for which a license fee or tax is imposed by this chapter.
- (g) "Business Licensing Service" or "BLS" mean the office within the Washington State Department of Revenue providing business licensing services to the City of Yakima.

Section 12. Section 5.52.025 is hereby amended to read as follows:

5.52.025 Financial institutions—License fee imposed.

Commencing July 1, 1974, there is levied upon and shall be collected from every national bank, state bank, trust company, mutual savings and loan association and every other financial institution engaged in business in the city, an annual license and license fee or tax for the act or privilege of engaging in business, as provided for in this chapter. The license fee is measured by the number of employees of each such business employed during the period immediately preceding the period for which the license fee is payable according to the schedule and provisions of YMC 5.52.030.

Section 13. Section 5.52.030 is hereby amended to read as follows:

5.52.030 Persons subject to license—Fees.

Commencing January 1, 1988, there is levied upon and shall be collected from every person engaging in business in the city a business license and annual license fee or tax amount for the privilege of engaging in business activities. Such license fee is measured by the number of employees of each business employed during the period immediately preceding the period for which the license fee is payable, as follows:

- (a) For every person employing one or two employees, forty-two dollars and ninety cents per year;
- (b) For every person employing three to and including five employees, eighty-five dollars and eighty cents per year;
- (c) For every person employing six to and including nine employees, one hundred fifty dollars per year;
- (d) For every person employing ten to and including fourteen employees, two hundred fourteen dollars and twenty cents per year;
- (e) For every person employing fifteen to and including twenty employees, three hundred twenty-one dollars and fifteen cents per year;
- (f) For every person employing twenty-one to and including thirty employees, four hundred twenty-eight dollars and forty cents per year;

- (g) For every person employing thirty-one to and including forty-five employees, six hundred forty-two dollars and sixty cents per year;
- (h) For every person employing forty-six to and including sixty employees, eight hundred fifty-six dollars and eighty cents per year;
- (i) For every person employing sixty-one to and including eighty employees, one thousand seventy-one dollars per year;
- (j) For every person employing over eighty employees, one thousand two hundred eighty-five dollars and twenty cents per year.

Employees working more than sixteen hundred (1,600) hours, including legal holidays and vacation time, during the twelve-month period immediately preceding the period for which the license fee is payable are considered full-time employees; employees working sixteen hundred (1,600) hours or less, including legal holidays and vacation time, are considered part-time employees.

In determining the license fee to be paid hereunder by each business the total number of employees must be computed by adding together the number of full-time employees and the number of part-time employees. The latter figure of part-time employees is to be computed by dividing total man hours, including legal holidays and vacation time, worked by all part-time employees, by sixteen hundred (1,600). When computing the number of part-time employees, fractions of less than one-half (0.5) should be rounded down to the next lower whole number, and fractions of one-half (0.5) and greater should be rounded up to the next higher whole number.

Section 14. Section 5.52.040 is hereby amended to read as follows:

5.52.040 Business located outside city.

- (1) Threshold Exemption. 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 twelve thousand dollars and who does not maintain a place of business within the city shall submit a business license registration to the director or designee but shall not pay a city business license fee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.
- (2) As to businesses located outside the city of Yakima and furnishing or performing services within the city that are not exempt under subsection (1) of this section, the license fee or tax herein shall be measured by the number of employees of such business who perform any part of their duties within the city according to the schedule and provisions of YMC 5.52.030.

Section 15. Section 5.52.050 is hereby amended to read as follows:

5.52.050 Exemptions.

In addition to the exemptions outlined in YMC 5.52.020(d)(4), the provisions of this chapter shall not apply to:

- (a) Any person providing a franchised utility service subject to the license, fee, or tax imposed under Sections 5.50.050, 5.50.055 YMC or franchised passenger transportation companies, unless stated otherwise in the franchise agreement;
- (b) Fraternal benefit societies as defined by Section 48.36.010 of the Revised Code of Washington; fraternal mutual property insurers as defined by Section 48.36.410 of the Revised Code of Washington; and nonprofit corporations organized under or existing by virtue of Chapter 24.03 of the Revised Code of Washington if such nonprofit corporations

provide in their bylaws for the assessment of each member of a fixed sum to be held by the corporation to be paid as death benefits on the death of a member for the purpose of assisting widows, orphans or other persons dependent on a deceased member;

(c) Any religious society, association or corporation, through the operation of any hospital, clinic, resort or other institution devoted exclusively to the care or healing of human beings; provided, that no exemption is granted where the income therefrom inures to the benefit of any physician, surgeon, stockholder or individual by virtue of ownership or control of such hospital, clinic, resort or other institution;

(d) Any instrumentality of the United States, state of Washington, or political subdivision thereof;

(e) Any farmer, gardener, or other person who sells, delivers or peddles any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm product or edibles (but not edibles that include cannabis) raised, caught, produced or manufactured by such person within the state of Washington;

(f) Any person, who is the holder of a valid permit under Section 8.52.070 of the city of Yakima Municipal Code, engaged in the business of curb number painting and who devotes no more than six hundred hours per year to said business;

(g) Newsboys engaged in the sale or delivery of newspapers and magazines or periodicals to the reading public;

(h) Any blind person engaged in business activities in the city;

(i) Any person, firm or corporation which the city is prohibited from taxing under the laws of the United States or of the state of Washington;

(j) Any person meeting the following threshold exemption:

For purposes of the license by this chapter, any sole proprietorship without full- or part-time employees whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than twelve thousand dollars must submit a business license registration to the director or designee but is not be required to pay the license fee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

Notwithstanding the provisions of subsections (b) and (c) of this section, businesses granted an exemption from federal taxes under 26 USC § 501(c), other than religious, educational, or charitable organizations engaged solely in their respective religious, educational or charitable activities, must obtain a city business license as provided for under this chapter, but are exempt from paying the city business license fee therefor, provided the business includes proof of such federal tax exemption along with the business license application.

Section 16. Section 5.52.060 shall be amended to read as follows:

5.52.060 Business license required.

No person may engage in any business or activity in the city of Yakima for which a license is imposed by this chapter without first having obtained and being the holder of such a valid and subsisting license so to do, to be known as a business license issued under the provisions of this chapter, and without paying the license fee or tax imposed therefor by this chapter.

Section 17. Section 5.52.070 shall be amended to read as follows:

5.52.070 Business license regulations and procedures.

A. Whenever there is a change in ownership of a business, the business license previously issued to the withdrawing owner, or owners is considered cancelled. The new owner or owners must apply and obtain their own business license as provided for in this chapter prior to commencing activities in the city through the acquired business.

B. The business license required by this chapter expires on the date established by the Business Licensing Service (BLS), and must be renewed on or before that date to continue engaging in business in the city. The application for a license is made through the BLS, and must include all information required for all licenses requested, as well as all fees due for all licenses, including the application handling fee required by RCW 19.02.075.

C. Every license granted under this chapter must be posted in a conspicuous place at the business for which it was issued. Any license issued under the provisions of this chapter is personal and nontransferable. 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 is required. If two or more persons each conduct a separate business at the same physical location, each such person must obtain their own license for their respective business, as provided for under this chapter. Each license will be numbered, and show the name, place, and expiration of the license.

D. The code administration division is authorized, but not required, to cause to be mailed to taxpayers forms for applications or renewals for licenses, but in any case failure of the taxpayer to receive any such forms does not excuse the taxpayer from making application for and securing the license required and payment of the license fee or tax when and as due hereunder.

E. If any person required by the terms and provisions of this chapter 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.

F. Renewal of the license is made through the Business Licensing Service on or before the license expiration. The renewal application must include all information required to renew all license subject for renewal, as well as all fees due for all licenses, including the renewal handling fee required by RCW 19.02.075.

G. The term of the city license and the respective city fee amount due may be prorated as necessary to accommodate synchronizing the license expiration with the expiration of the business account established by the Business Licensing Service.

H. Failure to complete the renewal by the license expiration will incur the late renewal penalty required by RCW 19.02.085 in addition to all other fees due.

I. Failure to complete the license renewal within 120 days after the license expiration will result in the cancellation of the license and will require submitting a new application for license as provided for in this chapter in order to continue to conduct business in the city.

Section 18. Section 5.52.090 shall be amended to read as follows:

5.52.090 Payment of license fees—Penalty.

A. The city license fee herein provided for is due and payable with the application for the license, which is required to be submitted prior to commencing business in the city, or with renewal of the license, which is required to be submitted on or before the expiration date of the license

B. Failure to pay the initial city license application fee within thirty days after commencing business in the city makes the taxpayer subject to a city-imposed penalty of five percent of the amount of the city license fee for the first month of delinquency; and 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. Such delinquent application penalty is assessed by and payable directly to the city.

Section 19. Section 5.52.120 shall be amended to read as follows:

5.52.120 Appeals—Notice—Subpoena power.

Any taxpayer aggrieved by the amount of the fee or tax found by the code administration manager or his or her designee to be required under the provisions of this chapter, may appeal to the city council from such findings by filing a written notice of appeal with the city clerk within five days from the time such taxpayer was given notice of such amount. The council shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time should be not more than twenty days after the filing of the notice of appeal, and shall cause a notice of the time and place thereof to be mailed to the appellant. At such hearing the taxpayer shall be entitled to be heard and to introduce evidence on their own behalf. The city council will thereupon ascertain the correct amount of the fee or tax by resolution and the city clerk will immediately notify the appellant thereof by mail, which amount, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within three days after such notice is given.

The code administration manager may, by subpoena, require the attendance thereof of any person, and may also require him or her to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the city manager or chairman appointed by him or her in charge of the hearing on appeal as to any matter required of him pertinent to the appeal, and it shall be unlawful for him or her to fail or refuse so to do.

Section 20. Section 5.52.130 shall be amended to read as follows:

5.52.130 Code Administration Manager to make additional rules.

The code administration manager shall have the power, and it shall be his or her duty, from time to time, to adopt, publish and enforce policies and rules not inconsistent with this chapter or with the law for the purpose of carrying out the provisions hereof, and it shall be unlawful to violate or fail to comply with any such rule or policy.

Section 21. Section 5.52.140 shall be amended to read as follows:

5.52.140 Mailing of notices—Failure to receive.

Any notice required by this chapter to be mailed to any taxpayer shall be sent by ordinary mail, addressed to the address of the taxpayer as shown by the records of the city, or, if the city has no records, the records of the county assessor's office, or if no such address is shown, to such address as the administrative official is able to ascertain by reasonable effort. Failure of the taxpayer to receive any such mailed notice shall not release the taxpayer from any tax, fee or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.

Section 22. Section 5.52.190 shall be amended to read as follows:

The collection of any license fee and penalty and the corrections of any tax may be made by the administrative official at any time within four years after the close of the period for which required.

Section 23. Section 5.54.020 shall be amended to read as follows:

5.54.020 License required—Application—Bond—Fee—Transfer.

No person shall engage in the business of a pawnbroker in the city of Yakima without first procuring a license therefor, and in order to procure a license he or she shall present to the city an application which shall contain the name of the applicant, the place where he or she proposes to conduct his or her business, the name under which the same shall be conducted, the names of persons interested in the business, if a copartnership or corporation, and in addition thereto shall supply the city with such other and further information as may be required to administer the provisions of this chapter. If such application is approved the city shall issue a license to the applicant upon his or her executing and delivering to the city of Yakima a bond to be approved by the city attorney in the sum of one thousand dollars conditioned that he or she will conduct such business in compliance with all of the ordinances of the city of Yakima and the laws of the state of Washington. The license fee shall be the sum of one hundred fourteen dollars and twenty-six cents per year. Said license shall not be assignable or transferable. The license and fee required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable.

Section 24. Section 5.56.024 shall be amended to read as follows:

5.56.024 Permit application.

(a) Every person subject to the provisions of this chapter shall file with the code administration manager or his or her designee an application in writing on a form to be furnished by the department, which shall provide the following information:

(1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) A brief description of the business or activity to be conducted;

(3) The hours and location for which the right to peddle, solicit, or engage in street sales is desired;

(4) If employed, the name, address and telephone number of the employer, or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic citations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof. The administrative official shall confirm this information through the Yakima police department.

(6) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter; and

(7) If the applicant is an individual not covered by Section 5.56.022, two photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing the application. The photographs shall measure three inches by five inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

(b) Any person issued a permit under this section may request a renewal of the permit by mailing a request for renewal, including any updates of information required by this section, to the administrative official, at least thirty days prior to the expiration of the current permit.

(c) The permit and fee required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable.

Section 25. Section 5.57.010 is hereby amended to read as follows:

5.57.010 Definitions

“Commissary” means an established commercial kitchen where mobile vendors go to prepare and store food.

“Level 1 vendor” means a Level 1 mobile vendor as permitted by the Yakima Health District.

“Level 2 vendor” means a Level 2 mobile vendor as permitted by the Yakima Health District.

“Level 3 vendor” means a Level 3 mobile vendor as permitted by the Yakima Health District.

“Mobile” means capable of being moved easily and quickly; movable without significant alteration.

“Mobile food unit” is the motorized or non-motorized conveyance used by a mobile vendor to sell goods, merchandise, or food.

“Mobile vendor” means a vendor or seller of goods, merchandise, or food from a mobile food preparation vehicle or other motorized conveyance upon the public streets, alleys, public property of the city, or upon private property.

“Motorized food preparation vehicle” means a commercially manufactured motorized vehicle or trailer vending unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution. Motorized food preparation vehicles include, but are not limited to, food trucks.

“Special event” means any event for which a special event permit has been issued pursuant to Chapter 9.70 of this code.

“Street vendor” means a vendor selling food or nonalcoholic beverages within a public or private parking lot, pedestrian plaza, sidewalk, or public property using a non-motorized cart or temporary structure.

Section 26. Chapter 5.57.020 is hereby amended to read as follows:

5.57.020 Mobile and street vendor—License required.

No person, firm or corporation shall engage in the business of a mobile or street vendor without having first obtained a business license pursuant to Chapter 5.52 of the Yakima Municipal Code. All mobile or street vendors must fulfill the requirements of this chapter prior to a license issuing. All business licenses for mobile and street vendors must be prominently displayed upon all vehicles, conveyances, or temporary structures from which a mobile or street vendor conducts business.

Section 27. Chapter 5.57.030 is hereby amended to read as follows:

5.57.030 License requirements.

Any person desiring to operate as a mobile or street vendor must submit directly to the city the following requirements in addition to the business license application that is submitted pursuant to the procedures stated in Chapter 5.52 YMC. The business license application cannot be approved by the city without these additional materials:

1. The applicant must obtain approval from all applicable regulating agencies including the Department of Labor and Industries, Department of Health, and the Yakima Health District and provide to the city copies of those approvals.
2. Applicant must submit a written narrative providing answers to the following questions:
 - a. When not in operation, a mobile food unit must be stored at an approved servicing area or other approved location. Where do you plan to park the mobile food unit when you are not open for business? Reference WAC 246-215-09100(3).
 - b. What is the current business name and address of the approved commissary you plan to use? Reference WAC 246-215-09120(3).
 - c. The permit holder must designate a name for the business and provide it to the regulatory authority and ensure that the name is posted on the mobile food unit in a manner easily visible to customers during the hours of operation. Where do you intend to post the permit? Reference WAC 246-215-09160.
 - d. Do you agree to remove from the premises at the end of each work day any and all accessory items (i.e. waste receptacles, step stools, picnic tables, propane tanks, etc.) associated with the mobile food unit? Do you acknowledge and agree that you will not use freestanding awnings, canopies, umbrellas, signs, etc. and that all such items are required to be permanently attached to the unit and fully supported thereon if you use them?
 - e. Do you agree that as the person in charge of the mobile food unit you are required to ensure that only employees and other persons authorized by the regulatory authority are present inside the mobile food unit at any time?

Section 28. Section 5.64.030 shall be amended to read as follows:

5.64.030 License required—Application—Fee.

No person shall engage in the business of a secondhand dealer in the city of Yakima without first procuring a license therefor, and in order to procure a license he or she shall present to the city an application which shall contain the name of the applicant, the place where he or she proposes to conduct business, the name under which the same shall be conducted; if a copartnership, the names of the members of the firm; if a corporation, the

names of its officers; and in addition thereto shall supply the city with such other and further information as may be required to administer the provisions of this chapter. If such application is approved, the city shall issue a license to the applicant upon his or her paying a license fee of thirty-seven dollars and sixty-seven cents. Said license shall not be assignable or transferable. The license and fee required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable.

Section 29. Section 5.78.010 shall be amended to read as follows:

5.78.010 License required.

It is unlawful for any person, firm or corporation to hold out, advertise, solicit, operate, drive or use any vehicle as a for-hire vehicle in the city of Yakima without having first obtained the licenses required by the provisions of this chapter. The licenses required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable.

Section 30. Section 5.79.010 shall be amended to read as follows:

5.79.010 License required.

- A. It is a violation of this chapter for any TNC to operate in the city of Yakima without a current and valid Yakima business license issued pursuant to Chapter 5.52 YMC.
- B. It is a violation of this chapter for any TNC driver, who is an independent contractor affiliated with a TNC, to operate in the city of Yakima without a current and valid Yakima business license issued pursuant to Chapter 5.52 YMC.
- C. The business license requirements of this section are separate from other licensing requirements stated in other sections of this chapter

Section 31. Section 5.80.010 shall be amended to read as follows:

It is unlawful to a) operate a sidewalk café or b) erect or maintain any shrub, plant, structure or container of any type or nature within public right-of-way in any commercial or industrial zoning district without a written permit to do so from the code administration manager or his/her designee. The permit required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

Section 32. Severability/Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 33. Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 3rd day of March, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____