

ORDINANCE NO. 2765

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "LICENSING REGULATIONS"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 5.40 of the Moses Lake Municipal Code entitled "Licensing Regulations" is amended as follows:

5.04.100 Payment of Fee - Time Limit:

- A. All persons, copartnerships, companies, associations, or corporations who are engaged in business or in practice of their trades or professions in the city shall procure their license to operate on or before the thirty-first day of each and every January. In the event the license is not procured on or before January thirty-first of each year, the following penalties shall apply:
1. If the renewed license fee is not paid before February first, the sum of twenty percent (20%) of the required license fee shall be assessed as a penalty;
  2. The sum of forty percent (40%) of the required renewed license fee shall be assessed as a penalty if the license fee is not paid before March first;
  3. If a business license is not renewed by March 31, enforcement will be taken as provided for in this section.
- B. All persons, copartnerships, companies, associations, or corporations who commence business or practice of their trades or professions in the city after the thirty-first day of January of each and every year, shall within one month from the commencement date procure their license to operate for the current year and if the license to operate is not procured within the month, then penalties shall apply and be imposed on the basis of a twenty percent (20%) penalty of the required license fee for the first month the business license is delinquent and an additional twenty percent (20%) for the second month the business license is delinquent. If a business license is not procured after the sixty (60) day delinquent period, enforcement will be taken as provided for in this section.
- C. When the Finance Director determines that a violation of this chapter exists, he or she may proceed against that violator using the procedures provided in this section.
- D. Notice of Violation and Order to Pay. If the Finance Director determines that any person, copartnerships, company, association, or corporation has engaged in any business or practice of their trade or profession in violation of this chapter, he or she may issue a Notice of Violation and Order to Pay. This Notice will specifically indicate the following:
1. The name and address of the person(s) charged with the violation.
  2. The street address or description of the location of the site on which the violation has been determined to exist.
  3. The amount necessary to cure the violation, including purchase of a business license.
  4. The date by which the payment is to be made.
  5. A statement that the civil penalties established in Section 1.20 shall be assessed against the person(s) cited if the payment is not made within the specified time.
- E. Appeals: Any Notice of Violation and Order to Pay issued by the Finance Director shall be appealable to the Hearing Examiner under Chapter 20.03.

F. Penalties:

1. Any violation for which a Notice of Violation and Order to Pay has been issued but which has not been paid within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the day the payment was to be made. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to bar further operation of a business, trade, or occupation in violation of this chapter.
2. If a penalty has been assessed pursuant to Section 1.20, a court shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.

G. If the Finance Director determines that the violator continues to operate a business, trade, or profession after the Notice of Violation and Order to Pay has been issued and payment has not been received within the time specified, the Finance Director shall issue a notice of termination of utility service to any property permitting such business, trade, or profession to operate without a business license and payment of any penalties imposed pursuant to this chapter. Such notice of termination of utility service shall be issued pursuant to Chapter 13.12 and the procedures therein shall be followed. The Finance Director may refer the matter to the City Attorney for civil enforcement by injunction or other appropriate action.

H. Compromise, Settlement, and Disposition of Disputes or Litigation. The Finance Director and the City Attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on May 12, 2015.

  
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Dick Deane, Mayor

ATTEST:

  
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W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

  
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Katherine L. Kenison, City Attorney