

ORDINANCE NO. 129

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE NO. 119 WHICH ESTABLISHED A SYSTEM FOR APPLICATION AND ISSUANCE OF GENERAL BUSINESS REGISTRATION LICENSES, AMENDING EXEMPTIONS, NOTICE OF HEARING, APPEAL PERIOD, AND ADDING A NEW SECTION REGARDING NONCONFORMING USES.

WHEREAS, on September 23, 1996, the City Council of University Place passed ordinance No. 119 establishing a system for the application and issuance of general business registration licenses;

WHEREAS, the City Council wishes to clarify that service industries who maintain businesses outside the City of University Place, but who conduct business within the City of University Place, should register for a business license;

WHEREAS, the City Council declares that those businesses that are not required to register with the State of Washington Department of Revenue shall be exempted from the requirement to register for a City of University Place Business License;

WHEREAS, the registration as a business within the City of University Place does not constitute vesting nor ratification of a nonconforming use; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DO ORDAIN AS FOLLOWS:

Section 1. Exemptions. Section 5. of Ordinance No. 119, is hereby amended to delete the current Exemption B and substitute the following:

B. All businesses which are exempt from master business license registration under WAC 458-20-101(2)(a) that:

- (1) Earn less than \$12,000/year, and
- (2) Do not have a business name, and
- (3) Have no employees, and
- (4) Do not sell retail products or perform activities that are subject to retail sales tax.

Section 2. Notice of Hearing. Section 16 of Ordinance No. 119, is hereby amended as follows:

Prior to suspension or revocation of a registration under this ordinance, the registrant shall be notified in writing of the grounds for suspension or revocation of the registration. Deposit in the U.S. Mail by registered mail of the Notice of Suspension or Revocation by the City Clerk shall constitute compliance with this section. Suspension or revocation of the registration shall occur ten days after the date of the mailing of the notice of suspension or revocation of the notice of suspension or revocation unless such action is appealed by registration in the manner described in this ordinance.

Section 3. Appeal Period. Section 17, Appeal Period, of Ordinance No. 119 is hereby amended to read as follows:

A registrant under this article must appeal the decision for revocation, suspension, or denial within ten days of ~~receipt~~ the mailing of the notice of revocation, suspension, or denial by filing a notice of appeal with the City Clerk. Upon receipt by the City Clerk of the appeal notice, a hearing shall be held before a hearing examiner designated by the city. Notice of the hearing shall be given to the appellant at least ten days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his or her own behalf.

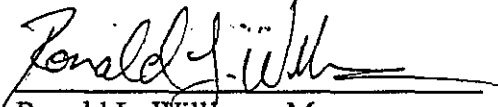
Section 4. Nonconforming Uses. A new Section 21, Nonconforming Uses, is hereby added to Ordinance No. 119 as follows:

Registration does not constitute vesting nor ratification of a nonconforming use. The purpose of this ordinance is to identify and register businesses which are active in the city. Identification is necessary to protect public health, safety, and the welfare of the community. The issuance of a business license by the city does not constitute either approval of a business or the use of any particular parcel in the City for a business purpose. By issuing a business license, the city shall not be precluded from taking enforcement action against any use which is not authorized in the zone in which it is occurring. The procurement of a business license does not vest the licensee with any rights to continue a nonconforming use.

Section 5. Renumbering Section 21, Severability, Section 22, Publication and Effective Date of Ordinance No. 119. Section 21, Severability, and Section 22, Publication and Effective Date, of Ordinance No. 119 are hereby renumbered to be Sections 22 and 23, respectively.

Section 6. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. The ordinance shall take effect five days after publication.

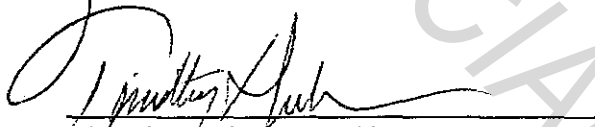
PASSED BY THE CITY COUNCIL ON DECEMBER 16, 1996


Ronald L. Williams, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: December 18, 1996
Effective Date: December 23, 1996