



LYNNWOOD
WASHINGTON

ORDINANCE NO. 2955

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 5.04.030 APPLICATION FOR LICENSE – APPROVAL OR DENIAL – APPEAL; AND 5.04.040 TERM AND RENEWAL OF LICENSE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

WHEREAS, in Title 5 of the Lynnwood Municipal Code, the City of Lynnwood has established a system of annual business licensing including annual fees as authorized by state law; and

WHEREAS, the City of Lynnwood continually focuses on improvements to the business license system; and

WHEREAS, there is a need to address customer considerations by providing more flexibility to businesses that are subject to business name changes, ownership changes, and business relocations, in continuing their businesses while the licensure process is ongoing, and

WHEREAS, there is a need to address customer considerations by providing recognition to those businesses that are timely with late renewals, and

WHEREAS, minor technical changes need to be made to the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1: Purpose. The purpose of this ordinance is to amend LMC Chapters 5.04.030 and 5.04.040 provide more flexibility to businesses that are subject to business name changes, ownership changes, and business relocations, in continuing their businesses while the licensure process is in process; and to provide a schedule for late business license fees.

Section 2: Amendments. Section 5.04.030 is hereby amended to the Lynnwood Municipal Code as follows:

5.04.030 Application for license – Approval or denial – Appeal.

A. No license required hereunder shall be issued except upon application made on forms prescribed by the city; each application for license, in addition to other requirements, shall indicate:

1. The proposed business address of a proposed business or occupation; and
2. The type and nature of the proposed business or occupation which the applicant intends to operate on said premises.

B. Each license application shall be accompanied by the prescribed license fee; provided, that any new business making application for a resident, nonresident or home occupation license after August 1st shall be charged one-half of the annual prescribed fee.

C. Notwithstanding any contrary provision in this title, a license shall not be issued to any applicant until the business and the applicant comply with all provisions of the city of Lynnwood zoning, building, fire, penal code, and all other applicable ordinances and laws and all amendments thereto.

1. An applicant/licensee subject to a change of business name or change of owner shall notify the City of these business changes within the city limits within 15 business days of the change. The business will be allowed a 30 business day grace period for the continuity of business operations, while the new license is being processed unless otherwise approved/denied by City staff. The grace period shall ensure that the applicant comply with all provisions of the City of Lynnwood zoning, building, fire, penal code, and all other applicable ordinances and laws and all amendments thereto.

D. On approval of the application, the license shall be issued by the city.

E. Upon denial of the application, the fee paid shall be returned to the applicant by the city forthwith together with notice that the application has been denied; provided, that no refund shall be made where, during the pendency of the application, the applicant has engaged in the business activity for which the license was intended. The mayor, or any officer of the city designated by him, shall approve or deny all applications for licenses required hereunder, and any applicant denied a license, or any person objecting to the issuance of any such license, may, within 14 business days after the issuance or

denial of such license, appeal to the hearing examiner by filing a written notice of appeal, clearly stating the grounds that the appeal is based on, with the city clerk. The hearing examiner shall set a date for the hearing of such appeal. The city clerk shall notify the applicant in the case of a denial, and the objector and applicant in the case of issuance, by mail of the time and place of hearing. After the hearing thereon, the hearing examiner may direct the issuance of the license applied for or revoke the license issued, as the hearing examiner may deem advisable.

F. Procedures may be developed to administer this chapter regarding the granting or denial of business license applications, or revocation of licenses, including additional procedures as needed for administrative appeals to the hearing examiner.

Section 5.04.040 is hereby amended to the Lynnwood Municipal Code as follows:

5.04.040 Term and renewal of license.

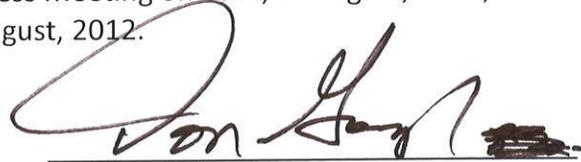
All licenses hereunder shall be granted for the calendar year or part thereof, of the year of their issuance, and shall be renewed on or before the fifteenth day of February next succeeding their date of issuance. If any license hereunder is not so renewed, then an application for renewal must be made according to the following schedule upon an original application hereunder. All other applications for renewals shall be accompanied by the same fee as provided for an original application hereunder.

- A) If any license hereunder is not so renewed, then an application for renewal, along with applicable fees, must be made, according to the following schedule:
 - 1) If the application for renewal is made between the sixteenth of February and fifteenth of March then the application must be accompanied by a fee of 115 percent of the fee payable.
 - 2) If the application for renewal is made on or after the sixteenth of March then the application must be accompanied by a fee of 125 percent of the fee payable.
 - 3) If the application for renewal is not made by the fifteenth of April then the business is deemed to be operating without a license subject to the penalties set forth in LMC section 5.04.130.
 - 4) Any business subject to this section is ineligible for the provision in 5.04.030 paragraph B.
 - 5) If a licensee fails to comply with this Section, the Finance Director shall refer the matter to the City Prosecutor.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

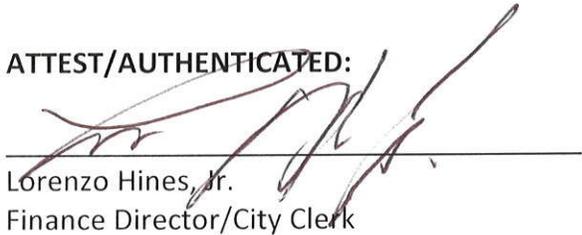
Section 4. Effective Date: This ordinance or an approved summary thereof consisting of its title shall be published in the City's official newspaper of record and shall take effect and be in full force five days following its publication.

ADOPTED BY THE CITY COUNCIL at its Business Meeting on 13th, of August, 2012; and approved by the Mayor this ~~15th~~ ^{20th} day of August, 2012.



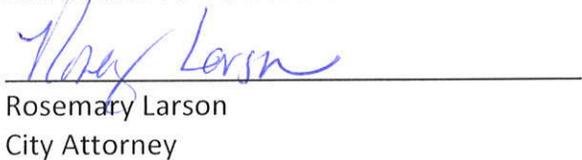
Don Gough
Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines, Jr.
Finance Director/City Clerk

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES:	08/14/2013
ADOPTED BY THE CITY COUNCIL:	08/13/2013
PUBLISHED:	08/18/2013
EFFECTIVE DATE:	08/23/2013
ORDINANCE NUMBER:	2955



On the 13th day of August, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2955. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 5.04.030 APPLICATION FOR LICENSE – APPROVAL OR DENIAL – APPEAL; AND 5.04.040 TERM AND RENEWAL OF LICENSE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION

The full text of this Ordinance will be mailed upon request.

DATED this 15th day of August, 2012.



Lorenzo Hines, Finance Director