

## **Title 5**

### **BUSINESS TAXES, LICENSES AND REGULATIONS**

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**Chapter 5.02**  
**BUSINESS LICENSES GENERALLY**

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**5.02.010 – Definitions**

As used in this chapter:

- A. "Business", "occupation", or "pursuit" means and includes all wholesalers, retailers, service providers, towing operators, peddlers, canvassers, solicitors, for-hire vehicles, limousine services, pawnbrokers, secondhand dealers, and junk dealers engaged in business with the object of economic gain, benefit or advantage to the person, firm, or corporation, or to another person, class, directly or indirectly, whether part-time or full-time, whether resident or nonresident except those businesses or activities for which licenses of franchises are required by any other chapter or section of the Camas Municipal Code as now or hereafter enacted or amended.
- B. "Canvasser", "peddler", or "solicitor" is defined as solicitor.
- C. "City" means the city of Camas.
- D. "Corporation" see "person".
- E. "Director" means the finance director of the city of Camas.
- F. "Driver" and "Operator" mean the person physically engaged in driving for-hire vehicle, whether or not the person is the owner of or has any financial interest in the vehicle.
- G. "~~Engage~~ Engaging in business"
  - 1. The term "Engaging in business" means ~~commence~~ commencing, ~~conduct~~ conducting, or ~~continue~~ continuing in business, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public to conducting such business.
  - 2. This subsection 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 minimus 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 (1). 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 employee, 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.

a. 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.

b. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

c. Soliciting sales.

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

e. 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.

f. Installing, constructing, or supervising installation or construction of, real or tangible personal property.

g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

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

j. 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.

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

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

m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

n. Investigating, resolving, or otherwise assisting in resolving customer complaints.

o. 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.

p. 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 the following, it need not register and obtain a business license.

a. Meeting with suppliers of goods and services as a customer.

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

c. 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.

d. Renting tangible or intangible property as a customer when the property is not used in the City.

e. 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.

f. Conducting advertising through the mail.

g. 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 4 above.

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.

H. "Firm" see "Person".

I. "For-hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except chartered and scheduled buses, vehicles not for hire by the general public such as vans operated by hotels, employers, churches, schools, and retirement facilities and ride share vehicles. The term primarily includes taxicabs, ride-share, and limousines.

J. "Limousine" means a chauffeur-driven, unmetered luxury motor vehicle prearranged for transportation meeting the definition in RCW 46.04.274. Limousines differ from "taxis" in that they are exclusive use of the person(s) paying the prearranged fare, are unmetered, unmarked, and are not available for spontaneous hire.

K. "Occupational permit" is an additional requirement for certain businesses performing occupations, that by their nature present a heightened public safety risk, including: for-hire vehicle driver or solicitor.

L. "Operator" see "Driver".

M. "Peddler" see "Solicitor".

N. "Person" means any natural person of any gender, firms, corporations, partnerships or associations either acting by themselves or by servant, agent or employee. The singular shall include the plural.

O. "Person", "firm" or "corporation" used interchangeably in this chapter means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof for whom a valid business license may be required therefrom under the provisions of this chapter.

P. "Pursuit" see "Business".

Q. "Solicitor" within the meaning of this chapter is any person who, either as a principal or agent, goes door to door or from place to place and enters upon any private property within the city and thereon engages in any of the following activities:

1. Sells, takes orders for, or offers to sell or take orders for any goods, wares or merchandise whether or not collecting in advance for such goods, wares or merchandise; and/or
2. Sells, takes orders for, or offers to sell or take orders for services, whether or not collecting in advance for performance of such services; and/or
3. Sells, takes orders for, or offers to sell or take orders for the making, manufacturing, or repairing of any article or thing whatsoever, whether or not collecting in advance for the performance of such services; and/or
4. Seeks contribution or donations.

R. "Towing operator" is anyone engaged in business of offering towing service by use of a vehicle wrecker or by a vehicle adapted for that purpose, whereby motor vehicles are towed or are otherwise removed from the place where they are disabled.

S. "Business Licensing Service" or "BLS" mean the office within the Washington State Department of Revenue providing business licensing services to the City.

(Ord. 19-005 § I, Part, 6/8/2019)

#### **5.02.020 - Business License required - Posting**

It is unlawful for any person, firm or corporation to engage in any business, occupation or pursuit, as defined by CMC 5.02.010 in the city without first having obtained a business license therefore as provided in this chapter. The business license provided for in this chapter shall be posted in a conspicuous location at the place of business. Such business license is nontransferable.

(Ord. 19-005 § I, Part, 6/8/2019)

#### **5.02.030 – Occupational permit**

Enacted to regulate the practice of certain occupations that, by their nature, present a heightened public safety risk to the public.

- A. For-Hire Vehicle Driver/Operator. No person shall drive a for-hire vehicle including a limousine, within the city without a permit from the city. Owners, sole proprietors will also be required to obtain a city of Camas business license. Employees hired as drivers must obtain a permit.
- B. Solicitor. It is unlawful for any person to act as a solicitor, within the meaning and application of this chapter, without first obtaining an occupational permit in the manner provided by this chapter.

(Ord. 19-005 § I, Part, 6/8/2019)

#### **5.02.035 - Home occupation permit**

Home occupations are regulated under Title 18 of the Camas Municipal Code and the requirements therein are in addition to the business license provided for in this chapter.

(Ord. 19-005 § I, Part, 6/8/2019)

#### **5.02.040 - Application and renewal**

A. Application for a business license shall be made through the Business Licensing Service of the Washington State Department of Revenue.

B. Each business location operated within the city must have its own license, provided, however that all business activities conducted at a location by the same owner requires only one business license. If two or more business owners each conduct their own business at the same physical location, each business owner must obtain their own business license for their respective business.

C. Application for an occupational permit shall be made directly with the city of Camas giving such information as deemed necessary to enable the enforcement of this chapter. The occupational permit is in addition to the business license provided for in this chapter.

(Ord. 19-005 § I, Part, 6/8/2019)

### **5.02.050 - License term or expiration**

A. Licenses are issued on an annual basis but will be set to expire on a date established by the Business Licensing Service and must be renewed on or before that expiration date to continue in business in the city.

1. Failure to renew by the expiration date will result in incurring the penalty described in CMC 5.02.060.

2. Failure to renew within 120 days after expiration will result in the cancellation of the license and will require reapplication for the license, as provided in this chapter, in order to continue engaging in business in the city.

B. The license term and respective fee amount may be prorated to synchronize the license expiration date with the expiration date established by the Business Licensing Service.

(Ord. 19-005 § I, Part, 6/8/2019)

### **5.02.060 - Fee**

The city's business licensing application fee for any business or activity required to be licensed under this chapter is \$10.00. The city's business ~~licensing license~~ renewal fee for any business or activity required to be licensed under this chapter shall be \$10.00 annually. Fees for other licenses and permits required under other chapters of this title are separate from the fees stated in this chapter.

In addition to the city licensing fees, applications submitted through the Business Licensing Service must include the total fees due for all other licenses requested, as well as the application-handling fee authorized by RCW 19.02.075.

In addition, to the city license fees, renewals submitted through the Business Licensing Service must include the total fees due for all other licenses being renewed, as well as the renewal-handling fee authorized by RCW 19.02-075. Renewals submitted through the Business Licensing Service after the license expiration date will be assessed a late renewal penalty authorized by RCW 19.02-.085 in additional to all other fees due.

(Ord. 19-005 § I, Part, 6/8/2019)

### **5.02.070 - Exception - Applicability of provisions**

Some or all the requirements of this chapter shall not be applicable as described below:

A. Nonprofit organizations, as recognized being tax-exempt by the federal government under USC 26 § 501(c), (i.e. Internal Code Section 501(e)) are exempted from the city business license fee but are required to register as a business ~~to~~ with the director or designee. Provided, such nonprofits, when designated as religious, educational, charitable, or fraternal in nature, as described in USC 26 § 501(c)3, and solely

performing their respective religious, educational, charitable or fraternal activities, without any actual business conducted, are fully exempt from the licensing requirements of this chapter.

B. For purposes of the license required 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 \$2,000 ~~(or higher threshold as determined by city)~~ and who does not maintain a place of business within the city, ~~shall~~must submit a business license registration to the director or designee as provided in this chapter, but are exempt from the city business license fee. The threshold does not apply to regulatory or occupational license requirements or activities that require a specialized permit.

(Ord. 19-005 § I, Part, 6/8/2019)

#### **5.02.080 - Violation - Penalty**

Any person as defined in this chapter and the officers, directors, managing agents, or partners of any organization or business violating or failing to comply with any provisions of Chapter 5.02 shall be subject to a civil infraction punishable by a maximum fine of five hundred dollars.

(Ord. 19-005 § I, Part, 6/8/2019)

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#### **5.20.020 - Permit required.**

Any person desiring to conduct or sponsor a special event shall apply for a special event permit by filing an application with the Parks and Recreation Office and pay an application fee as per the fee schedule established by the city council per resolution, forty-five days prior to the date on which the event is to occur. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5 or 11 of the Washington State Constitution. Political or religious activities intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. The permit required under this chapter is in addition to the business license required under Chapter 5.02 CMC, when applicable.

A special event permit is not required for the following:

- A. Funerals and wedding processions;
- B. Other similar events and activities which would not directly affect or use in any manner city services or streets;
- C. School and City events which are routinely scheduled;
- D. Non-commercial and limited use of city park areas for events such as birthdays, anniversaries, and reunions with less than 50 attendees, closed to the public at large, and otherwise not significantly impacting municipal public property or public rights-of-way as described in Section 5.20.010;
- E. Non-commercial use of the Fallen Leaf Park picnic shelter.

(Ord. 19-005 § II, Part, 6/8/2019; Ord. No. 2714, § IV, 12-1-2014; Ord. No. 2641, § I, 3-5-2012; Ord. 2418 § 1 (part), 2005)



## Chapter 5.32

### TAXIS

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5.32.280 - Enforcement responsibility.

5.32.290 - Penalties for violation.

#### **5.32.050 - Issuance of certificate.**

- A. If the city council finds that further taxicab service in the city will serve the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter, then the ~~city clerk~~ director shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
- B. In making the above findings, the city council may take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

(Ord. 1927 § 5, 1993)

#### **5.32.070 - License fees.**

- A. No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee for the right to engage in the taxicab business and an additional fee each year as per the fee schedule established by the city council per resolution for each vehicle operated under a certificate of public convenience and necessity. Such license or certificate, and respective fee required under this chapter is in addition to a business license that may be required under Chapter 5.02 CMC.
- B. In the case of licenses issued on or after July 1st of each year, one-half of the above fees shall be paid. License fees shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or any vehicle under his operation and control. All licenses shall expire at 11:59 p.m. on December 31st of each year and may be renewed by the director upon the holder's request, proof of adequate insurance, and payment of fees.

(Ord. 19-005 § II, Part, 6/8/2019; Ord. No. 2714 , § IX, 12-1-2014; Ord. 1927 § 7, 1993)

## Chapter 5.45

# TELECOMMUNICATIONS

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## Article II. - Business Registration of Telecommunications Carriers and Providers

### 5.45.025 - Business registration fee.

Each initial and all subsequent annual applications for a telecommunications business registration shall be accompanied by an application fee to be set by resolution of the city council for the purpose of reimbursing the city for administrative expenses associated with processing the application. ~~Such~~ The franchise and telecommunications business registration, and related fees required under this chapter is are in addition to the city business license and fee provided for ~~in this~~ under chapter 5.02 CMC, when applicable.

(Ord. 19-005 § II, Part, 6/8/2019; Ord. 2117 § 1 (part), 1997)

## Chapter 5.50

### PAWN BROKERS AND SECOND HAND DEALERS

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#### **5.50.020 - License required—Expiration and fee.**

- A. It is unlawful for any person to engage in the business of pawnbroking or act as a secondhand dealer in the city of Camas without first obtaining a license pursuant to the provisions of this chapter. Each license shall be for a two-year period to expire on December 31st of the second year from issuance. The license fee for a pawnbroking business shall be per the fee schedule established by the city council per resolution. The license required under this chapter is in addition to the city business license required under CMC 5.02.
- B. All applications for issuance of a pawnbroker or secondhand dealer's license shall be made to and filed with the director on forms furnished for such purpose, and shall be accompanied by the required fee. An initial or renewal application shall be referred to the chief of police for investigation, report and recommendation. Within thirty days after receipt of a copy of the application, the chief of police shall render a written recommendation to the director as to approval or denial of the application for license or renewal thereof.
- C. The director shall deny an initial or renewed pawnbroker's license to any applicant, or any other person with any interest in the application for, or holder of such license, if such licensee:
1. Has been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years;
  2. Has obtained a pawnbroker or secondhand dealer license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
  3. Has had any license revoked pursuant to this chapter;
  4. Makes a misrepresentation of, or fails to disclose, any material fact to the city;
  5. Has failed to timely pay its pawnbroker or secondhand dealer license fee pursuant to this chapter;
  6. Has failed to display a pawnbroker or secondhand dealer license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity.

(Ord. 19-005 § II, Part, 6/8/2019; Ord. No. 2714 , § X, 12-1-2014; Ord. 2319 § 1 (part), 2002)