

Langley Municipal Code

Title 5

Taxes, Licenses and Regulation

Chapters:

- 5.04 Business Licenses**
- 5.09 Contractor licensing**
- 5.10 Defining and regulating temporary exhibitions, trade shows, vendor exhibits, fairs, carnivals, or other traveling shows of a similar nature.**
- 5.20 Regulating Film Production**

Chapter 5.04

Business Licenses

Sections:

- 5.04.010 Purpose and Policy.**
- 5.04.020 Definitions.**
- 5.04.030 Business License Required.**
- 5.04.040 Exemptions and Partial Exemptions.**
- 5.04.050 Procedure.**
- 5.04.060 Term of License and Renewal.**
- 5.04.070 Penalty for Late Application.**
- 5.04.080 Revocation or Suspension.**

Section 5.04.010 Purpose and Policy.

The City Council finds that in order for the City of Langley to responsibly carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the State of Washington as a non-charter code city, maintenance of current information and regulation with respect to business, trade, service, commercial and professional activities carried on within the City is necessary and essential for the maintenance of the public health, safety and welfare; that such information can best be accumulated and regulated on a current basis through establishment of a license fee supported program for the licensing and registration of such activities.
(Ord. 745, 1997)

Section 5.04.020 Definitions.

(1) Person. The term “person” includes one or more persons of either sex; corporations, including not for profit corporations and municipal corporations; partnerships, including limited partnerships; associations, joint ventures or any other entity capable of having an action at law brought against such entity; but excluding employees.

(2) Business. The term “business” and the phrase “engage in business” each include all services and activities engaged in for a consideration or with the object of pecuniary gain, benefit or advantage to the person, or to another person or class directly

or indirectly, whether part-time or full-time; except non-business activities carried on by a religious organization.

(3) Non-profit corporation. “ Non-profit corporation” means a corporation not for profit, subject to the provisions of Title 24 of the Revised Code of Washington.
(Ord. 745, 1997)

Section 5.04.030 Business License Required.

It is unlawful for any person to engage in any business as provided in this chapter within the city limits without first having registered with and obtained a business license from the City of Langley. If more than one business is conducted by a person, a separate registration and license shall be required for each separate business conducted, operated, engaged in or practiced. If one business is conducted at more than one premises in the city, only one registration and license shall be required. Businesses located outside the city which report any sales tax activity within the City of Langley location code (1502) shall be required to obtain a city license and pay one-quarter the regular city business license fee.
(Ord. 745, 1997)

Section 5.04.040 Exemptions and Partial Exemptions.

To the extent set forth in this section, the following persons and/or businesses shall be partially exempt from either the registration,

license and/or license fee requirements of this chapter.

(1) Public benefit non-profit corporations which hold a current IRS 501(c)(3) exemption certificate issued by the Internal Revenue Service shall, upon filing a copy of same with the city, shall be exempt from the license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(2) Nonprofit activities carried on by religious or social Organizations shall be exempt from the license and license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(3) Any instrumentality of the United States, State of Washington, or political subdivision or governmental agencies shall be exempt from the license and license fee requirements of this chapter; provided however, that such organization shall file the required application form with the city for information purposes.

(4) Gardeners selling their own unprocessed farm products raised or grown exclusively upon lands occupied by them shall be exempt from the requirements of this chapter.

(5) Persons or businesses having a gross revenue of two thousand dollars or less per year shall be exempt from the requirements of this chapter.

(Ord. 745, 1997)

Section 5.04.050 Procedure.

(1) Application for a business license shall be made in writing to the Office of the Clerk-Treasurer upon a form provided by the city. The applicant shall at that time deposit with the city, in advance, the license fee herein required. The application shall state the nature of and location of the business, name and address of the owner or applicant, an emergency notification name and address, together with such other information as may be required by the Office of the Clerk-Treasurer.

(2) After receiving a complete application for a business license the Clerk-Treasurer shall forward copies of the application to the appropriate city officials for their approval regarding compliance with all laws and regulations under their jurisdiction. The Clerk-Treasurer shall consider all materials and comments submitted and shall issue or deny the license within twenty working days after the date on which a completed application was filed unless the applicant agrees to an extension of said time period in writing.

(3) A business license may only be denied by the city on one or more of the following grounds:

- a) If the business or the premises on which it is located do not comply with all applicable regulatory codes of the City of Langley, Island County, and statutes of the State of Washington and the United States of America;
- b) If the application is incomplete or if it contains any material misrepresentation;
- c) If the application does not propose adequate measures for the protection of public health, safety and welfare in terms of pedestrian and vehicular traffic control, security, avoidance of public nuisances and avoidance of consumer fraud.

(5) If the Clerk-Treasurer denies a license, written notice of said denial, stating the reasons therefore shall be sent to the applicant within one working day thereafter along with a refund of the business license fee. The applicant shall have a period of ten working days after the date of license denial to appeal the same to the City Council. Upon receiving written notice of appeal the City Council shall hold a public hearing within thirty days thereafter to consider, de novo, whether to issue or deny the license. The applicant shall be given not less than seven days' advance written notice of the hearing. The decision of the city council shall be announced at the conclusion of the hearing and shall be final, subject only to a petition for writ of certiorari being filed with the Island County Superior Court within

fourteen days following the date of the City Council's decision. (Ord. 745, 1997)

Section 5.04.060 Term of License and Renewal.

All business licenses required to be obtained pursuant to this chapter shall be issued on a calendar year basis and shall expire on December 31st of the year for which they are issued. All such licenses shall be renewed annually with the fee due on the first day of January and payable no later than February 15th of that year. Application for renewal shall be made on the forms prescribed by the Office of the Clerk-Treasurer. There shall be no reduction of any license fee because an application is received late in the calendar year, provided that after July 1 of each year, the annual fee shall be reduced to one-half of the established fee for the remainder of the year for any new business. Every license shall be personal to the licensee and shall not be assignable or transferable to any person. (Ord. 745, 1997)

Section 5.04.070 Penalty for Late Application.

Any applicant or licensee who shall fail to make application for an original business license or renewal of an existing business license, shall be subject to a penalty, computed as follows:

- A. Delinquent from thirty-one to sixty days, a penalty of fifteen percent of the prescribed fee.
 - B. Delinquent from, a penalty of sixty-one to ninety days, a penalty of thirty percent of the prescribed fee.
 - C. Delinquent from ninety-one days or more, a penalty of fifty percent of the prescribed fee.
- (Ord. 745, 1997)

Section 5.04.080 Revocation or Suspension.

The city council may, at any time, suspend or revoke any license issued hereunder whenever the licensee or an officer or partner thereof has been convicted in any court of competent jurisdiction of violating

any criminal statute of the United States or the State of Washington or of any ordinance of the City of Langley upon the business premises stated in the license of connection with the business stated in the license or, where the place of business does not conform to the ordinances of the City of Langley; provided a hearing thereon shall be had before such revocation or suspension. The licensee shall be notified in writing by sending notice to the mailing address stated in the license. Said notice shall state the intention of the city council to revoke or suspend said license, the reason for such suspension or revocation, and the date and time of the meeting of the city council at which such will be considered, and the right of the licensee to appear at said meeting and be heard in opposition to such revocation or suspension. Such notice shall be given by certified mail to the licensee at least fourteen days prior to the date of said hearing. (Ord. 745, 1997)

Chapter 5.09

Contractor Licensing

Sections:

- 5.09.010 Definition.**
- 5.09.020 Contractor's License Required.**
- 5.09.030 Term of License and Renewal.**
- 5.09.040 Penalty for Late Application.**
- 5.09.050 Reasons for Denial of License or Revocation of Existing License.**
- 5.09.060 General Regulations.**
- 5.09.070 Penalties.**

Section 5.09.010 Definition.

For purposes of this chapter, "Contractor" shall mean any person, company, or firm engaged in construction contracting, home building, building tradesmen, landscaping construction and other such related occupations doing business within the City of Langley.
(Ord. 669, 1994)

Section 5.09.020 Contractor's License Required.

No person shall conduct or engage in any such business within the City of Langley, during any year, without first applying for and obtaining a contractor's license and paying the fee as set by Council resolution. Application shall be made on the prescribed forms of the Clerk-Treasurer's Office of the City of Langley.
(Ord. 726, 1996; 674, 1994; 669, 1994)

Section 5.09.030 Term of License and Renewal.

Each contractor's license shall be effective for one year from issuance. All such licenses shall be renewed on or before the annual date of first issuance if business is to be continued within the City. Application for renewal shall be made on forms prescribed by the Clerk/Treasurer's Office. Every license shall be personal to the licensee and shall not be assignable or transferable to any person.
(Ord. 669, 1994)

Section 5.09.040 Penalty for Late

Application.

Any applicant or licensee who shall fail to make application for an original contractor's license or for renewal of an existing contractor's license, shall be subject to a penalty, computed as follows:

A.) Delinquent from fifteen to thirty days, a penalty of five percent of the prescribed fee or five dollars whichever is greater.

B.) Delinquent from thirty-one to ninety days, a penalty of ten percent of the prescribed fee or ten dollars, whichever is greater.

C.) Delinquent from ninety-one days or more, a penalty of fifty percent of the prescribed fee.
(Ord. 669, 1994)

Section 5.09.050 Reasons for Denial of License or Revocation of Existing License.

No license shall be issued or an existing license may be revoked due to any of the following reasons:

A.) An applicant or licensee, including his employees or agents, who has been convicted of a crime which relates directly to the specific business for which the license is sought.

B.) An applicant or licensee who has suffered a civil judgment based upon fraud, misrepresentation, or violation of the Washington Consumer Protection Act.

C.) If reasonable grounds exist to believe that the applicant or licensee is dishonest, or may present a danger to the public health, safety, or welfare.

D.) The license was procured by fraud or misrepresentation of fact.
(Ord. 669, 1994)

Section 5.09.060 General Regulations.

All revenue derived from business within the City of Langley shall be coded to Langley's State sales tax number.
(Ord. 669, 1994)

Section 5.09.070 Penalties.

Violation of or failure to comply with any of the provisions of this chapter shall be subject to a civil penalty as set forth in Chapter 1.14. When violations are of a continuing nature, the penalty shall increase each day of the violation as set forth in Chapter 1.14.050(5).
(Ord. 669, 1994) (Ord. 832, 2003)

Chapter 5.10

Defining and regulating temporary exhibitions, trade shows, vendor exhibits, fairs, carnivals, or other traveling shows of a similar nature.

Sections:

- 5.10.010 Purpose, Intent And Definitions.**
- 5.10.020 License Requirements.**
- 5.10.030 License Fee And Duration.**
- 5.10.040 Additional Regulations.**
- 5.10.050 Violation/Penalty.**

Section 5.10.010 Purpose, Intent And Definitions.

A. It is the intent of the Langley City Council to regulate temporary sales activities and it so finds that it is in the best interests of the citizens of Langley that temporary stands, concessions and exhibits be allowed but only upon meeting certain minimum regulations. It is the purpose of this ordinance to define those regulations and to set forth the requirements of licensing these activities in the city. All sections of this ordinance are to be liberally interpreted to promote that purpose.

B. Definitions.

1. Temporary Structure. A temporary structure is defined as anything built, constructed, placed or stopped at a certain location, whether said structure is occupied, moved and/or carried, within the city, with the intent that said structure not remain permanently at that location.

2. Temporary Business Activity. Temporary business activity is defined as any activity, stand, concession, circus, carnival, road show, trade show, fair or public exhibition, taking place from a temporary structure, whose purpose is to advertise, display, or otherwise promote the sale of goods and/or services. The activities listed herein are intended to provide an example only and are not intended to be an enumeration of all regulated activity.

3. Temporary Business License. A temporary business license is that document obtained from the City of Langley, by application, as further described herein, which grants the applicant permission to

conduct a temporary business activity in the City of Langley.

4. Exempt Activities. City licensed businesses, setting up temporary stands and/or displays which are outside the scope of their normal business activities shall be exempt from the fee only. In addition, the following activities are specifically held exempt under this ordinance:

i) Private garage or yard sales, conducted on the seller's owned or leased property; not to exceed four (4) such sales in any given calendar year. Any one event shall be limited to three (3) days in duration and every additional three (3) days shall be counted as a separate event.

ii) Children's lemonade sales and/or other stands set up for selling goods and services which are the product of youthful activity and are not designed, controlled, sponsored and/or supervised by adults.
(Ord. 692, 1995)

Section 5.10.020 License Requirements.

A. Application: Long Form. It shall be unlawful for any individual, person, firm, corporation, partnership or other business entity to conduct temporary business activities in the City of Langley without first applying for and obtaining a temporary business license as further described herein. The applicant for such a temporary business license shall file an application with the City of Langley Clerk, in writing, and shall procure such license prior to engaging in any of the activities defined in this ordinance as temporary business activities. Each application shall require the following:

1) Name of the person, firm, corporation, partnership or other business entity requesting said license; the address and phone number of the applicant's principal business location or principal place of residence and identification of the applicant's agent and/or other person responsible for the activity to take place in the City of Langley. The application must be signed and dated.

2) A description of the activity which provides information sufficient for the City to determine the space requirements, sanitary facilities, and parking requirements of the proposed activity.

3) A simple plot plan or other evidence of proposed location of the temporary activity. The application must provide the name and phone number of the property owner, who owns the property, where the temporary activity shall take place. If this activity is to be conducted in city right-of-way, or other city property, said applicant shall so indicate.

4) A specific indication of the hours of operation and/or the hours of the day or night said activity shall take place. Any license requested for activities which will take place after dusk will require the specific approval of the Mayor and/or City Staff and the Langley Chief of Police.

5) Indicate whether any open flame or flammable liquids are intended to be used within the structure and if so, what safety plan shall be implemented to insure that these materials are rendered harmless.

6) Tax identification number of business/principal and/or social security number.

7) Any other relevant information as may be required by the Chief of Police or the Fire Chief.

B. Application: Short Form. A short form application which meets the requirements of Section 5.10.020(A) above, is available at city hall. An applicant may be able to prepare the short form application if applicant meets the following requirements:

1) All temporary business activities will take place on a single property or within a single building, and

2) Said temporary business activity will have no impact on parking and constitute no traffic burden and/or is a part or subsidiary

of a larger, sponsor or parent temporary business activity whose traffic impact has or will be assessed under the sponsor's application. If applicant believes his or her temporary business activity will meet the conditions stated herein, said applicant should schedule an interview with the Chief of Police or City Clerk-Treasurer for a final determination on the short form option.

(Ord. 692, 1995)

Section 5.10.030 License Fee And Duration.

1) The license fee shall be set by resolution of the City Council.

2) All licenses, under this section, shall be issued for a period not to exceed one week. Said license may be renewed a total of three (3) times for an additional license fee, for each renewal week, for a total of four (4) weeks per year. No license may be transferred to another person, entity or location other than that stated in the application.

(Ord. 726, 1996; 692, 1995)

Section 5.10.040 Additional Regulations.

Each licensee shall meet all of the requirements listed in this section. Failure to meet any of the requirements listed herein shall constitute grounds for non-issuance or revocation of a temporary business license. These requirements are as follows:

1) Displayed material shall remain in the area specified for such display.

2) No part of the temporary structure and/or activity shall obstruct or act as a cause of obstructing any city passageway or sidewalk, street, avenue, alley or other public place; or act to cause people to congregate at or near the place of sale. All stands shall be set back a minimum of ten (10) feet from the right-of-way, provided however, that this shall not be construed to prevent holding an approved public exhibition per the parade ordinance upon the streets and sidewalks of the City as approved by the City Council.

3) Any temporary business license holders engaged in food sales shall comply with all laws, rules and regulations regarding food handling.

4) No license shall be issued to any peddler, salesman, transient merchant or other persons to sell from door to door or from any doorway, building recess, alley or vacant lot or any other place facing on a public street without such activity and/or location being first approved by the Chief of Police and the Mayor after review by City Staff.

5) Each licensee shall be required to clean up their site and remove all temporary structures within twenty-four (24) hours of license expiration. Failure to so remove will result in the City removing said structures at the expense of said licensee and shall constitute a violation of this ordinance.

6) Temporary licenses must be conspicuously displayed at the place of business.

(Ord. 692, 1995)

Section 5.10.050 Violation/Penalty.

Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance, shall be charged with a misdemeanor and upon conviction may be punished by imprisonment, not to exceed ninety (90) days and/or a fine of not more than five hundred (\$500) dollars. Each day that a temporary business is operated in violation of this ordinance or fails to clean up a temporary business site, constitutes a separate offense under this section.

(Ord. 692, 1995)

Chapter 5.20

Filming Regulation

Sections:

5.20.010	Definitions
5.20.020	Permit and Filming Agreement Required
5.20.030	Permit Application
5.20.040	Standards for Issuance
5.20.050	Notice of Rejection
5.20.060	Appeal Procedure
5.20.070	Filming Code of Conduct
5.20.080	Approval of Permit
5.20.090	Duties of Permittee
5.20.100	Revocation of Permit

Section 5.20.010 Definitions_

- (1) "Chief of Police" is the Chief of Police of the City of Langley, Washington.
- (2) "City" is the City of Langley, Washington.
- (3) "Film Production" is the making of feature films, documentaries, television movies, series and commercials and commercial still photography which impedes the flow of traffic or pedestrians.
- (4) "Fire Marshal" is the Fire Marshal of the City of Langley, Washington.
- (5) "Mayor" is the Mayor of the City of Langley, Washington.
- (6) "Permit to Film" is a permit as required by this Ordinance.
- (7) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Public Works" is any employee of the City of Langley Public Works Department. (Ord. 829, 2003)

Section 5.20.020 Permit and Filming Agreement Required.

No person in the City of Langley shall engage in, participate in, aid, form or start any film production intended for commercial sale or distribution without first

having obtained a permit to do so and executed a Filming Agreement with the City. (Ord. 829, 2003)

Section 5.20.030 Permit Application.

A person seeking a Permit to Film shall file an application with the City on the forms provided by the City.

- (1) Filing Period. An application for a Permit to Film shall be filed with the City not less than five (5) days before film production is to take place. Exemptions to the five day requirement may be made by the City, in limited circumstances, depending on the scope and impact of the intended project.
- (2) Contents. The application for a Permit to Film shall set forth the following information:
 - (a) The project title, the name, permanent and local address and phone number of the production company seeking to conduct such film production;
 - (b) The name, address and phone number of the authorized and responsible person for the film production;

Langley Municipal Code

- (c) The name and phone numbers of the Production Manager, Location Manager and Publicist for the project;
 - (d) The date(s) and times the preparation, filming and cleanup is to take place;
 - (e) The approximate number of persons and vehicles involved in the production;
 - (f) The exact locations to be used for filming, staging, and preparation;
 - (g) The type and nature of any firearms, dangerous materials, animals, special effects or low flying aircraft required for the project.
 - (h) A traffic control plan or pedestrian control plan, if necessary.
- (3) Fee. An application fee, as set by Resolution of the City Council shall be paid at the time of filing the application for a Permit to Film. A deposit of the daily permit fee, as set by Resolution of the City Council for the estimated time of filming, and the estimated cost of services by City forces shall also be paid prior to issuance of the permit.
- (4) Services Provided by City.
- (a) The need for police services shall be determined by the Chief of Police. Police services shall be charged at one and one half (1 ½) the officer's current hourly wage with benefits and double (2) times that rate after twelve (12) hours.
 - (b) Review of the permit application by the Fire Marshal may be necessary due to the scope of filming desired.
 - (c) Barricades are the responsibility of the production crew. The City may provide limited barricades at current rental rates as set by Resolution of the City Council and limited public works manpower to be charged at one and one half (1 ½) the current public works hourly wage with benefits.

(5) Certificate of Insurance. No permit to film shall be issued until the permittee shall file with the Clerk of the City a certificate of insurance naming the City of Langley as an additional insured, in the amount of \$1,000,000.00 general liability, including bodily injury and property damage. The City of Langley, its corporate authorities, elected officials, officers, attorneys, employees and agents shall be made additional insured with respect to any and all claims which arise out of or are in any way related to the operations of the film production company while present in the City of Langley.

(6) Hold Harmless Agreement. The permittee shall indemnify and hold harmless the City of Langley, its officers, elected officials, agents, employees and volunteers from and against any and all claims, actions, suits, proceedings, costs, expenses (including attorney's fees), damages and liabilities claimed by any person, organization, association or otherwise arising from or relating to any act or omission of the permittee, its agents, contractors or employees under this Agreement. Such indemnification shall not be effective to the extent that the damage or injury result from the sole negligence of the City of Langley. The permittee further waives, with respect to the City of Langley only, its immunity under RCW title 51 Industrial Insurance. The indemnification provided for in this permit shall survive any termination or expiration of this Agreement. Failure of the Company to comply with the terms of the City of Langley's permit as described may result in revocation of the permit. (Ord. 829, 2003)

Section 5.20.040 Standards for Issuance.

The Mayor and Chief of Police may issue a permit under the following conditions;

- (1) The conduct of the film production project will not substantially interrupt the safe and orderly movement of traffic and pedestrians within the City;
- (2) The conduct of the film production project will not require the diversion of so great a number of police officers of the City to properly police the location of filming as to prevent normal police protection to the City;
- (3) The concentration of persons, animals, vehicles and equipment for operation of the film production project will not interfere with proper police and fire protection or ambulance and medical services within the City;
- (4) The proposed time, date and location of the film production project are reasonable, considering the health, safety and general welfare of all person residing in, working in, or visiting the City.
- (5) The person requesting a permit discusses with a representative from the Chamber of Commerce the time, location and extent of the production and addresses any concerns the merchants may have during the filming production project.
- (6) Any and all other conditions required by the City due to the scope of the project can be reasonably addressed.

Prior to issuance of the permit, a meeting will be held with the production company and the appropriate city departments to finalize logistic details. (Ord. 829, 2003)

Section 5.20.050 Notice of Rejection.

The Mayor and Chief of Police will act upon the application for a permit to film within three (3) business days after the filing thereof. If the application is denied, the Chief of Police shall mail to the applicant, within three (3) business days after the date upon which the application was filed, a notice of such action, stating the reasons for the denial of the permit. (Ord. 829, 2003)

Section 5.20.060 Appeal Procedure.

Any person aggrieved shall have the right to appeal the denial of a permit to film to the City Council. The appeal shall be filed within five (5) days after notice. The City Council shall act upon the appeal within thirty (30) days after its receipt. (Ord. 829, 2003)

Section 5.20.070 Filming Code of Conduct.

To keep disruption to the minimum, the City of Langley has developed a "Filming Code of Conduct" to be followed by all production companies filming in the Langley area. Violations of the Code of Conduct may result in revocation of the permit to film. (Ord. 829, 2003)

Section 5.20.080 Approval of Permit.

Each permit to film shall be signed and approved by the Mayor and the Chief of Police. (Ord. 829, 2003)

Section 5.20.090 Duties of Permittee.

A permittee hereunder shall comply with all permit directions and conditions, the Filming Code of Conduct and with all applicable laws and ordinances. (Ord. 829, 2003)

Section 5.20.100 Revocation of Permit.

The Chief of Police shall have the authority to revoke a permit issued hereunder upon application of the standards for issuance as herein set forth, or for violation of any condition of such permit or violation of any law or ordinance. (Ord. 829, 2003)