

**ORDINANCE NO. 11-0357**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 5.05 EMC BUSINESS LICENSES AND REGULATIONS; CLARIFYING THAT THE CITY WILL NOT ISSUE LOCAL BUSINESS LICENSES FOR ANY ACTIVITY THAT IS ILLEGAL UNDER STATE OR FEDERAL LAW; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, the City of Edgewood has adopted local regulations establishing standards and procedures for business licenses, and such regulations are presently codified at Chapter 5.05 EMC; and

**WHEREAS**, the City Council desires to amend Chapter 5.05 EMC to clarify that no local business license will be issued for any activity that is prohibited under state or federal law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment of EMC 5.05.070.** Subsection 5.05.070(B) of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

**B.** Deny any application for a business license upon written finding that: (i) the granting would be detrimental to public peace, health or welfare, or (ii) that such application for a business license is not in compliance with any applicable city regulation, the general laws of the State of Washington, or any applicable provision of federal law, or (iii) if the license was procured by fraud or by false or misleading representation of fact in the application or in any report required to be filed with the City Clerk.

1. When any such application is denied, the applicant may appeal such decision to the hearing examiner pursuant to the process described in EMC 5.05.160 through 5.05.170.
2. When a license application is denied, and during the pendency of any appeal to compel its issuance, the applicant shall not engage in the business for which the license was refused unless or until the license is issued pursuant to an administrative or judicial judgment.

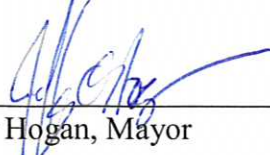
**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The City Council hereby declares that a public emergency exists requiring this ordinance to take immediate effect in order to protect the public

health, safety and peace. This ordinance shall therefore be in full force and effect immediately upon adoption by a vote of a majority plus one of the whole membership of the City Council.


**Presented to Council for first reading on March 22, 2011**

**ADOPTED BY THE CITY COUNCIL ON MARCH 22, 2011**

  
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Jeffery Hogan, Mayor

**ATTEST/AUTHENTICATED:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Janet Caviezel, Finance Director/City Clerk

  
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J. Zachary Lell, City Attorney

Date of Publication: March 30, 2011  
Effective Date: March 22, 2011

**LEGAL NOTICE**

March 23, 2011

**NOTICE OF ORDINANCE ADOPTED BY EDGEWOOD CITY COUNCIL**

The following is a summary of an Ordinance adopted by the City of Edgewood City Council on the 22<sup>nd</sup> day of March, 2011, and shall take effect and be in full force on the 22<sup>nd</sup> day of March, 2011.

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The full text of the Ordinance is available at Edgewood City Hall, 2224 104<sup>th</sup> Avenue East, Edgewood, WA 98372-1513 (253) 952-3299.

  
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Janet Caviezel, Finance Director/City Clerk

*Published in the Herald on March 30, 2011*