Ordinance No. 1744

(Amending or Repealing Ordinances)

CFN=175 – Business Licenses
Passed – 11/1/1971
All general licensing provisions

Amended by Ord. 3962 (Ch. 5.01)
Amended by Ord. 4001 (Ch. 5.01)
AN ORDINANCE containing all general licensing provisions of the City of Kent; requiring compliance by persons required to obtain licenses; establishing a uniform system for the issuance of licenses; setting forth the authority of the City License Officer; prescribing penalties for the violation of its provisions; and repealing certain portions of previous ordinances.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known and may be cited as the "General Licensing Ordinance of the City of Kent".

Section 2. Scope. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or Ordinances, except those specifically repealed by this Ordinance. Where this Ordinance imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

Section 3. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Business" is meant to include all kinds of vocations, occupations, professions, enterprises, es-
establishments, and all other kinds of activities and matters, conducted for private profit, or benefit, either directly or indirectly, on any premises in this City, or anywhere else within its jurisdiction.

(b) "City" is the City of Kent, Washington.
(c) "City Council" is the City Council of the City of Kent, Washington.
(d) "City License Officer" is the City Clerk of the City of Kent, Washington.
(e) "License" or "Licensee", as used generally herein, shall include respectively the words "permit," or "permittee", or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this Ordinance or other law or ordinance.
(f) "Person" is meant to include individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officer, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or any other person, under either personal appointment or pursuant to law.
(g) "Premises" is meant to include all lands, structures, and places, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

Section 4. Application of Regulations.
(a) Compliance Required. It shall be unlawful for any person, either directly or indirectly, to conduct any business for which a license, or permit is required by any law or ordinance of this City, without a license or permit therefore being first procured and kept in effect at all such times as required by this Ordinance or other law or ordinance of this City.
(b) **Special Sales.** This Ordinance shall apply to all business in the nature of special sales for which a license is required by any law or ordinance of this City and it shall be unlawful for any person, either directly or indirectly to conduct any such sale except in conformity with the provisions of this Ordinance.

(c) **Agents Responsible for Obtaining License.** The agents or other representatives of non-residents who are doing business in this City shall be personally responsible for the compliance of their principals and the businesses they represent with this Ordinance.

(d) **Separate License for Branch Establishments.** A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Ordinance shall not be deemed to be separate places of business or branch establishments.

(1) **Rental Real Property.** Each rental real property shall be deemed a branch establishment or separate place of business for the purpose of this Ordinance, when there is a representative of the owner or the owner's agent on the premises who is authorized to transact business for such owner or owner's agent or there is a regular employee of the owner or of the owner's agent working on the premises.

(e) **Joint License.** A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting
each of such businesses but, when eligible, shall be issued one (1) license which shall specify on its face all such businesses.

Section 5. City License Officer. The City License Officer shall collect all license fees and shall issue licenses in the name of the City to all persons qualified under the provisions of this Ordinance and shall:

(a) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.

(b) Obtain Endorsement. Submit all applications, in a proper case, to interested city officials for their endorsements thereon as to compliance by the applicant with all city regulations which they have the duty of enforcing.

(c) Give Notice. Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license or permit, at the applicant's request, state in writing the reasons therefore and deliver them to the applicant.

Section 6. Procedure for Issuance of License.

(a) Formal application required. Every person required to procure a license under the provisions of any ordinance or law of the City shall submit an application for such license to the City License Officer. The application shall be a written statement upon a form provided by the City License Officer and which the City License Officer shall find to be reasonably necessary to the fair administration of this Ordinance.

(b) The application for license shall be accompanied by the full amount of the fee chargeable for such license.

(c) Whenever a license cannot be issued at the time the application for the same is made, the City
License Officer shall issue a receipt to the applicant for the money paid in advance, subject to the following conditions:
(1) Such receipt shall not be construed as the approval of the City License Officer for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Ordinance.

(d) A duplicate license or a special permit shall be issued by the License Officer to replace any license previously issued, which has been lost, stolen, defaced, or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to such fact and the paying to a License Officer of the fee of ONE (1.00) DOLLAR.

(e) The License Officer shall, upon disapproving any application submitted under the provisions of this Ordinance, refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the City.
(1) When the issuance of a license is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same.

Section 7. Determination of License Fee.

(a) License fees shall be in the amounts established in this Ordinance, and as further determined under this Section.

(1) Fee for business license shall be the sum of TWELVE (12.00) DOLLARS as a license fee which shall accompany the application for license. In the case of a new business started during the year, the first business license fee will be pro rated quarterly.
(2) All licenses shall be renewable on January 1 of each year. The City License Officer shall send notice of renewal to each license holder by December 1 of each year of the need to renew the license for the following year. The fee for license renewal shall be as follows:

(a) If license fee paid prior to January 31st fee shall be TWELVE (12.00) DOLLARS.
(b) If paid after January 31st, the fee shall be TWENTY-FOUR (24.00) DOLLARS.

(3) In the event that any licensee fails to renew his license as provided above and has not paid the fee by the 1st day of March, the City License Officer shall serve written notice upon such licensee that his license is thereby revoked.

Section 8. Mailing of Notices. Any notice required by this Ordinance to be mailed to any licensee shall be sent by ordinary mail, addressed to the address of the licensee as shown by the records of the City License Officer, or if no such address is shown, to such address as the City License Officer is able to ascertain by reasonable effort. Failure of the Licensee to receive such mailed notice shall not release the licensee from any fee or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this Ordinance.

Section 9. License Fee Addition to Others. The license fee herein levied shall be additional to any other Ordinance of the City except as herein otherwise expressly provided.

Section 10. Enforcement and Penalties.

(a) Collection as Debt. Any license fee due and unpaid and delinquent under this Ordinance, and all penalties thereon, may be collected by civil action which remedy shall be in addition to any and all other existing remedies and penalties.
(b) Revocation of License. The City License Officer may revoke the license issued to any licensee who is in default in any payment of any license fee hereunder, or who shall fail to comply with any of the provisions of this Ordinance. Notice of such revocation shall be mailed to the licensee by the City License Officer, and on and after the date thereof any such licensee who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties herein provided.

(c) Penalties. Any person willfully violating or failing to comply with any of the provisions of this Ordinance or any lawful rule or regulation adopted by the Council pursuant thereto, upon conviction thereof, shall be punished by a fine not to exceed $100.00.

Section 11. The Effect of Partial Invalidity. If any provision, section, paragraph, clause or part of this Ordinance shall be held void or unconstitutional, the remainder of this Ordinance shall not be rendered thereby, but all other provisions, sections, paragraphs, clauses and parts of this Ordinance not expressly so held to be void or unconstitutional shall continue and remain in full force and effect.

Section 12. Repealer. All of Ordinance No. 913 and Sections 1 and 2 of Ordinance 1331 be and the same are hereby repealed.

Section 13. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

ISABEL HOGAN, MAYOR

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ATTEST:

[Signature]
MARIE JENSEN, City Clerk

APPROVED AS TO FORM:

[Signature]
DONALD E. MIRK, City Attorney

PASSED the 1st day of November, 1971.

APPROVED the 2nd day of November, 1971.

PUBLISHED the 5th day of November, 1971.

I hereby certify that this is a true copy of Ordinance No. 1744, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature] (SEAL)
MARIE JENSEN, City Clerk