Ordinance No. 2383

(Amending or Repealing Ordinances)

CFN=175 – Business Licenses
Passed – 12/6/1982
Relating to Business Licenses

Amended by Ord. 3962 (Ch. 5.01)
Amended by Ord. 4001 (Ch. 5.01)
ORDINANCE NO. 2383

AN ORDINANCE of the City of Kent, Washington, relating to business licenses; amending Chapter 5.02 (Ordinance Nos. 1744 and 1919) of the Kent City Code, "GENERAL BUSINESS LICENSES;" establishing license fees, and providing penalties for violation of the City Code; and repealing Ordinance No. 1344.

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

Section 1. Chapter 5.02 of the Kent City Code (Ordinance 1744 and Ordinance 1919) is amended as follows:

5.02.01Q. SCOPE. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with the existing provisions or other laws or ordinances of the City of Kent. Where this Chapter 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 Chapter shall control.

(5.02.08. BUSINESS LICENSE REQUIRED. No person shall engage in any business or activity (except those specifically exempt under Federal or State laws) within the City of Kent without having first obtained a valid business license to carry on that business or activity.))

5.02.020. DEFINITIONS. For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

(1) "Business" is meant to include all vocations, occupations, professions, enterprises and establishments and all other activities and matters conducted for private profit or benefit, either directly or indirectly, anywhere within the City of Kent.

(2) "City License Officer" is the City Clerk of the City of Kent.

(3) "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 Chapter or other law or ordinance.

(4) "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.

5.02. Application of regulations.

(1) 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 the City without a license or permit therefore being first procured and kept in effect at all such times as required by this Chapter or other law or ordinance of the City.

(2) Special Sales. This Chapter shall apply to all businesses in the nature of special sales for which a license is required by any law or ordinance of the City.

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

(4) Separate License for Apartments and Branch Establishments.

(a) 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 Chapter shall not be deemed to be separate places of business or branch establishments. Location of such warehouses and distributing plants shall be shown on the application for the business license, and must comply with the provisions of all City Codes.
((b)) Apartments. ((Rental Real Property. Each rental real property shall be deemed a branch establishment or separate place of business for the purpose of this Chapter 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.)) Only apartments and residential rental properties of three or more units shall be required to have a business license.

((4)) 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,)) PROVIDED, when eligible, the person shall be issued one license which shall specify on its face all such businesses. Applications for such a joint license shall list the names of all such businesses.

5.02.((2))040. 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 Chapter and shall:

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

(2) Submit all applications, in a proper case, to interested City officials for their endorsements thereon as to compliance by the applicant with all City laws and regulations which they have the duty of enforcing.

(3) ((Notify any applicant of the acceptance or rejection of his application and shall, upon her refusal of any license or permit, at the applicant's request, state in writing the reasons therefore and deliver them to the applicant.)) Insure that City officials notify applicants as to non-compliance with City laws or regulations that preclude license issuance.
5.02.050. PROCEDURE FOR ISSUANCE OF LICENSE.

(1) 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 City License Officer shall require such information found to be reasonably necessary to the fair administration of this Chapter.

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

(3) The City License Officer shall issue a receipt to the applicant for the money paid in advance. 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 Chapter, or the Kent City Code.

(4) 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 the License Officer the fee of one dollar.

(5) The License Officer shall, upon disapproving any application submitted under the provisions of this Chapter, refund twenty five (25%) of fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the City.

(a) 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.
5.02.060. DETERMINATION OF LICENSE FEE. License fees shall be in the amounts established in this Chapter, and as further determined under this Section.

(1) NEW BUSINESS. Fee for a new business license shall be the sum of (twelve (12) dollars in 1983, and seventy-five (75) dollars in 1984 as the license fee which shall accompany the application for license. In the case of a new business, the first business license fee will be prorated by the half year.

(2) RENEWALS. All licenses shall be renewable January 1 of each year. The City License Officer shall send a renewal notice to each license holder each year of the need to renew the license. The fee for license renewal shall be twenty-five (25) dollars in 1983, and fifty (50) dollars in 1984.

(3) If license fee paid prior to January 31st, fee shall be twelve dollars.)

(4) (a) (If paid after January 31st, the fee shall be twenty-four dollars.) A fee of ten dollars per month shall be added to renewal fees not paid by January 31st; PROVIDED, that this additional fee shall not exceed twenty (20) dollars.

(3) (In the event that any licensee fails to renew his license as provided above and has not paid the fee by the last day of March, the City License Officer shall serve notice upon such licensee that the grace period for renewal has expired and that the City Attorney has been so notified.) The fee provided for in KCC 5.02.060(2)(a) shall be in addition to any monetary penalty imposed pursuant to KCC 5.02.090.

(4) HOME OCCUPATIONS. The Business License fee for businesses operating in residential zones in compliance with Section 7.4 of the Kent Zoning Code (Ordinance 1827, as amended), "Home Occupations", shall be twenty-five (25) dollars.
5.02.((32))070. MAILING OF NOTICES. Any notices required by this Chapter to be mailed to any licensee or applicant shall be sent by ordinary mail, addressed to the address of the licensee or applicant 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 or applicant to receive such mailed notice shall not release the licensee or applicant from any fees or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this Chapter.

5.02.((36))080. LICENSE FEE IN ADDITION TO OTHERS. The license fee herein levied shall be in addition to any other fees provided for in any other ordinance or Chapter of this Code, except as herein otherwise expressly provided.

5.02.((40))090. ENFORCEMENT AND PENALTIES.
(1) Any license fee due, unpaid and delinquent under this Chapter, 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, including but not limited to that provided in KCC 5.02.090(2).

((2)) The City License Officer may revoke the license issued to any licensee who shall fail to comply with any of the provisions of this Chapter. 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.))

((3)) (2) Any person ((willfully) violating, or failing to comply with, any of the provisions of this Chapter or any lawful rule or regulation adopted by the Council pursuant thereto, ((upon conviction thereof)), shall be ((punished by a fine)) assessed a monetary penalty not to exceed ((one)) three hundred dollars ($300).

5.02.((42))100. REVOCATION OF BUSINESS LICENSES.
(1) The City Council of the City of Kent (is hereby empowered to) may revoke the Kent Business License of a business operating in the City when, pursuant to the procedures hereinafter established, it finds any of the following:

(a) That the business has engaged in a continuing pattern of false and misleading advertising;
(b) That that business has engaged in oppressive, harassing bill collecting techniques which unreasonably interfere with the debtor's well-being;
(c) That the business has engaged in conduct which is a nuisance, or is otherwise injurious to the public health, safety or welfare (citizens) of Kent.
(d) That the business has or is operating in violation of the laws of Kent, or other governmental authority.

(2) A licensee may terminate a Kent Business License by written notification to the City License Officer. The City License Officer shall report such a termination to the City Council.

5.02.110. COMPLAINT.
(1) When a citizen of the City of Kent has a complaint concerning the business practices of a business operation within the City pertaining to KCC 5.02.100 he shall make a written complaint to the City Clerk. The City Clerk shall transmit all such complaints to the City Council at the next regularly scheduled meeting.
(2) The procedure established in KCC 5.02.110(1) shall be in addition to the inherent authority of the City to investigate and prosecute violations of its laws.

5.02.120. HEARING. At such time as the Council, or an appropriate committee thereof, finds that there are reasonable grounds to believe that the business has engaged in any of the acts listed in Section 5.02.110, it shall order the City Clerk to send a written notice to those persons whose names are on the Kent Business License at the address shown on the license that a public hearing will be held to determine whether the Kent Business License should be revoked. The hearing shall be
set at a time not less than twenty days nor more than sixty days from the date of the notice. If the Council concludes that the business has engaged in the acts listed in Section 5.02.((42)) above, it shall order the Kent Business License of the business to be revoked.

Section 2. Ordinance 1344 is hereby repealed.

Section 3. 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

ATTEST:
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:
P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 6 day of Dec, 1982.
APPROVED the 7 day of Dec, 1982.
PUBLISHED the 10 day of Dec, 1982.

I hereby certify that this is a true copy of Ordinance No. 2383, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

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