ORDINANCE NO. 4220

AN ORDINANCE of the City Council of the City of Kent, Washington, amending various sections within Chapters 5.01 and 5.14 of the Kent City Code entitled General Business Licenses, to clarify annual business licensing requirements and provide enhanced enforcement options to encourage compliance.

RECATIALS

A. Chapter 5.01 Kent City Code establishes business licensing requirements for all business enterprises conducting business within the city.

B. While the City strives for equity in enforcement of the established business licensing requirements, Chapter 5.01 Kent City Code currently does not provide effective enforcement options to encourage compliance with the requirements.

C. Clearly stated licensing requirements and effective enforcement options are necessary to ensure that each business enterprise doing business within the City is appropriately licensed for those activities.

D. Several provisions of Chapters 5.01 and 5.14 of the Kent City Code erroneously refer to license “renewals,” despite business licenses expiring at the end of each calendar year and the requirement that a new license be obtained for each subsequent calendar year. This ordinance

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amends those provisions to clarify that businesses must relicense, not renew, for each year that they continue to engage in business within the city.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment - KCC 5.01.020. Section 5.01.020 of the Kent City Code, entitled “Definitions,” is amended as follows:

Sec. 5.01.020. Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

A. Business means all activities, occupations, pursuits, or professions located and/or engaged in within the city, with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly, and includes nonprofit enterprises. Business means all activities, occupations, trades, pursuits, professions, and matters located within the city, whether operated with the object of gain, benefit, advantage, or profit, or operated not for profit, to the business or to another person, directly or indirectly. The term business shall also mean apartment and residential rental properties of two (2) or more units, as well as rental housing and rental property as those terms are defined in Chapter 5.14 KCC, but shall not mean governmental agencies.

B. Business enterprise means each location at which business is conducted within the city. A business may have more than one (1) business enterprise within the city.

C. Director means the finance director of the city or his or her designee.

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D. Department means the finance department of the city.

E. Licensee means any business or business enterprise that applies for or is granted a business license. The term licensee shall also mean the person who submits a business license for approval, the owner or operator of a business or business enterprise, and any corporation, partnership, nonprofit, or organization which owns or operates the business or business enterprise.

SECTION 2. Amendment – KCC 5.01.090. Section 5.01.090 of the Kent City Code, entitled “Application procedure, license fee,” is amended as follows:

Sec. 5.01.090. Application procedure, license fee.

A. The city council shall, by resolution, establish the fees to be assessed to implement and operate the regulations adopted in this chapter. In the event of any conflict or ambiguity regarding any fees established by council resolution, the finance-director is authorized to interpret the fee schedule(s) to resolve the conflict or ambiguity.

B. All businesses operated not for profit or a qualifying participant in the STAR program established in Chapter 5.14 KCC shall be required to be licensed but shall be exempt from paying a business license fee upon satisfactory proof to the director of their not-for-profit or STAR qualified status.

C. The licensee shall make application for any business license required under this chapter to the director on a form prepared by the department, which application shall be accompanied by a receipt from the department showing payment of the required fee. A new business license shall be
required annually. If the application for a new license is made within six (6) months of the date fixed for expiration, the fee shall be one-half the annual fee; provided, there shall be no reduction in the fee for a license renewal.

**SECTION 3.** - *Amendment - KCC 5.01.110.* Section 5.01.110 of the Kent City Code, entitled "Renewal," is amended as follows:

**Sec. 5.01.110. Renewal Relicensing.**

A. A business license shall expire at the end of the calendar year for which it is issued.

B. The director may mail the forms for application for a new business license renewals to business enterprises in the city to the last address provided to the director by the licensee. Failure of the business to receive any such form shall not excuse the business from securing the required license or renewal or for payment of the license fee when due.

CB. Failure to obtain a new business license for each subsequent calendar year, pay the license fee within ninety (90) days of the required renewal date, shall subject the licensee to the penalties set forth in KCC 5.01.190 — a monetary penalty in the amount of fifty dollars ($50) to reinstate the license, in addition to the required license fee.

D. Business licenses shall be obtained by January 1 of each subsequent calendar year that the person or business continues to engage in business within the city.
SECTION 4. - Amendment - KCC 5.01.140. Section 5.01.140 of the Kent City Code, entitled “Denial or revocation of license – Notice and opportunity to be heard,” is amended as follows:

Sec. 5.01.140. Denial or revocation of license – Notice and opportunity to be heard. In accordance with KCC 5.01.150 through KCC 5.01.180, a licensee shall have the right to notice and an opportunity to be heard subsequent to the denial of a business license, or, prior to the revocation in the case of a revocation of an existing license, or refusal to renew a license following its annual expiration, prior to the revocation of such business license. As an alternative to the process set forth in sections KCC 5.01.150 through KCC 5.01.180, the city may seek an injunction or other legal remedy in court.

SECTION 5. - Amendment - KCC 5.01.190. Section 5.01.190 of the Kent City Code, entitled “Penalties,” is amended as follows:

Sec. 5.01.190. Violations and enforcement - Penalties. Any violation of any provision of this chapter may be enforced as provided for in this section. Each separate date, or portion thereof, during which any violation occurs shall constitute a separate violation.

A. Civil Infraction. A business, licensee, or person who violates any provision of this chapter commits a class 1 civil infraction as set forth in RCW 7.80.120(1)(a), as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be issued by law enforcement officers, filed in the Kent Municipal Court and processed in the same manner as other infractions filed in the Kent Municipal Court. The violation of any provision of this chapter is a civil violation as provided for in Chapter 1.04 KCC, for which a monetary penalty may be assessed and abatement may be required as provided therein. If a business, licensee, or person cited for failure to obtain a business license appears before the
Kent Municipal Court and provides written evidence that he or she obtained a business license prior to adjudication of the infraction, the monetary penalty shall be reduced to one-hundred dollars ($100.00) and the court may assess court administrative costs of twenty-five dollars ($25.00). The court administrative costs shall be in lieu of the statutory assessments referenced in RCW 7.80.120.

2. Any license fee or penalty due and unpaid and delinquent under this chapter shall constitute a debt of the city. The city may, pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid license fees, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

B. Civil code enforcement. A civil code enforcement action may be instituted pursuant to Chapter 1.04 KCC to effectuate the abatement or corrective action required as a result of a violation of this chapter. Failure to timely abate the violation or take the required corrective action may result in the issuance of a fine in accordance with KCC 1.04.080 and KCC 1.04.200.

CB. Criminal violation. In addition to or as an alternative to any penalty provided in this chapter, the violation of any provision of this chapter shall constitute a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars ($1,000), or by both such imprisonment and fine. A person who knowingly violates a provision of this chapter, or commits a repeat violation of this chapter, is guilty of a misdemeanor, punishable by up to the maximum penalty established in RCW 9A.20.021(3), as now enacted or hereafter amended. For purposes of this section, "repeat violation" means either a prior committed finding by the Kent Municipal Court of an

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infraction issued under this chapter, or a committed finding by the hearing examiner of a notice of violation issued under Chapter 1.04 KCC, or a committed finding under KCC 1.04.130, that a violation of this chapter has occurred or has been committed by the same business, licensee, or person within a five (5) year period. To constitute a repeat violation, the violation need not be the same violation as the prior violation.

D. Injunction. In addition to or as an alternative to any other enforcement or penalty provided for in this chapter, and because a violation constitutes an actual injury to the community, the city may seek injunctive or other equitable relief to prevent any activity in violation of this chapter.

E. Collections. Any license fee or penalty due, unpaid, and delinquent under this chapter shall constitute a debt to the city. The city may, pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid license fees or penalties, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

SECTION 6. Amendment – KCC 5.14.030. Section 5.14.030 of the Kent City Code, entitled “Business license required – Penalty,” is amended as follows:


A. License Required. As a condition of operation, each and every rental property within the city limits shall, in accordance with Chapter 5.01 KCC, obtain and maintain a business license. The issuance of a license shall be considered a privilege and not an absolute right of the landlord, and the possession of such license shall not entitle the landlord to a new business license for subsequent years or automatic renewal of a business license.
B. **Penalty for not obtaining license.** In addition to the penalties set forth in Chapter 5.01 KCC, there shall be assessed a penalty of one hundred dollars ($100) per day for each day that a rental property operates without a valid and current business license for the first ten (10) days of noncompliance with this section, and up to four hundred dollars ($400) per day for each day in excess of ten (10) days of noncompliance with this section.

**SECTION 7. - Amendment - KCC 5.14.040.** Section 5.14.040 of the Kent City Code, entitled “Business license period – Application and renewal – Fee,” is amended as follows:

**Sec. 5.14.040. Business license period – Application and renewal – Relicensing – Fee.** The business licensing period shall run from January 1st through December 31st of each year. Any application for a license required by this chapter shall be accompanied by a fee as established in Chapter 5.01 KCC and any resolution established in accordance with that chapter, as well as any fee required in accordance with KCC 5.14.060, if applicable. Business licensing applications shall comply with the requirements of KCC 5.01.090 and 5.01.110.

**SECTION 8. - Amendment - KCC 5.14.060.** Section 5.14.060 of the Kent City Code, entitled “Business license fee – Increase for code violations,” is amended as follows:

**Sec. 5.14.060. Business license fee – Increase for code violations.**

A. Rental property shall be maintained in accordance with applicable building codes pursuant to Chapter 14.01 KCC, and shall be free of
nuisances, graffiti, litter, rodents, weeds, and junk vehicles in conformance with Chapters 8.01, 8.04, 8.06, 8.07, and 8.08 KCC as now enacted or hereafter amended. The rental property shall be maintained in accordance with all other codes applicable to rental property.

B. If, at the time a landlord applies for a subsequent business license renewal, it is determined that a notice of violation pursuant to Chapter 1.04 KCC was issued relating to the condition of the rental property, and the notice of violation was issued within the calendar year preceding the year for which the new license is required, the rental property shall be assessed an additional business license fee of one thousand dollars ($1,000), which shall be added to the fee required by Chapter 5.01 KCC; provided, this additional fee shall not be assessed in the event that, prior to the date of application for the business license, either a hearing examiner or a court with jurisdiction has determined that the violation was not committed or the city has determined that the code violation was voluntarily corrected.

C. The additional fee established in subsection (B) of this section shall also apply to the issuance of an initial license if there is good cause to believe that the landlord who owned the property transferred the property to a new landlord in order to avoid the provisions of subsection (B) of this section.

SECTION 9. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 10. – Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the
correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 11.** - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, as provided by law.

Suzette Cooke
Suzette Cooke, Mayor

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of November, 2016.

APPROVED: 15 day of November, 2016.

PUBLISHED: 18 day of November, 2016.

I hereby certify that this is a true copy of Ordinance No. 4220 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Kimberley A. Komoto
Kimberley A. Komoto, City Clerk (Seal)

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STATE OF WASHINGTON, COUNTY OF KING }  
AFFIDAVIT OF PUBLICATION  

PUBLIC NOTICE  
Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the  

Kent Reporter  

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.  
The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:  

Public Notice  

was published on November 18, 2016.  
The full amount of the fee charged for said foregoing publication is the sum of $108.00.  

Linda Mills  
Legal Advertising Representative, Kent Reporter  
Subscribed and sworn to me this 18th day of November, 2016.  