

## ORIGINAL

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ORDINANCE NO. 1209

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING AND ADDING CERTAIN SECTIONS TO CHAPTER 5.04 OF THE REDMOND MUNICIPAL CODE GOVERNING THE REGULATION AND LICENSING OF BUSINESSES WITHIN THE CITY.

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

Section 1. Section 5.04.040 of the Redmond Municipal Code is hereby amended to read as follows:

5.04.040 Business License Required. No person shall engage in any business or activity in the city for which a license fee is imposed by this chapter without first having obtained and being the holder of a valid and subsisting license to engage in such business or activity to be known as a "Business License", issued under the provisions of this chapter, and without paying the license fee imposed by this chapter. The agents or other representatives of non-residents who are doing business in this city shall be personally responsible for compliance with this chapter. In case business is transacted at two or more separate places by one taxpayer, a separate license for each place at which business is transacted is required.

Section 2. A new Section 5.04.042 is hereby added to the Redmond Municipal Code to read as follows:

5.04.042 Clerk as License Officer. The City Clerk or the Clerk's designee 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 Forms. Adopt all forms and prescribe the information to be provided. Such required information shall include but not be limited to the name of the applicant, his or her residence address, date of birth, place of business, the nature of the business, the form of ownership, the names of all officers of the business and the number of employees.
- B. Obtain Endorsement. Submit applications when deemed appropriate by the license officer to other City officials for their endorsements thereon as to compliance by the applicant with all City regulations which the officials have the duty of enforcing.
- C. Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein.
- D. Examine Records. Examine the books and records of any applicant or licensee when reasonably

necessary to the administration and enforcement of this ordinance.

- E. Give Notice. Notify any applicant of the acceptance or rejection of the application.
- F. Regulate Form of Licenses. Ensure that each license is numbered, and shows the name of the licensee, business address and the character of the business authorized to be transacted.

Section 3. A new Section 5.04.044 is hereby added to the Redmond Municipal Code to read as follows:

5.04.044 Qualifications of Applicants.

- A. Standards to be Applied. The City Clerk shall base the decision to issue or deny the permit upon the following criteria:
  - 1) Applicant history. All violations of city regulations or convictions within the ten years immediately preceding application, which directly relate to the operation of the applicant's current proposed business.
  - 2) License history. The license history of the applicant; whether such person, in previously operating in this or another jurisdiction under a license has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.
  - 3) No Obligations to City. Applicants shall not be in default under the provisions of this ordinance or indebted or obligated in any manner to the City except for current taxes, or other obligations not past due.
  - 4) Compliance with City Regulations. The proposed use of any premises shall not be in violation of any City building, safety, fire, health or land use regulations as determined by the City department charged with the enforcement of said regulations.

Section 4. A new Section 5.04.046 is hereby added to the Redmond Municipal Code to read as follows:

5.04.046 Procedures for Issuance of License.

- A. Formal Application Required. Every person required to procure a license under the provisions of this chapter shall submit an application for such license to the City Clerk. The application shall be made upon forms provided by the City Clerk and accompanied by the requisite fee as set forth hereafter.
- B. Issuance of Receipts. Whenever a license cannot be issued at the time the application for the same is made, receipt of such application shall not be construed as the approval of the City Clerk for the issuance of a license;

nor shall it entitle or authorize the applicant to open or maintain any business.

- C. Burden on Applicant. The clerk, or other designated officer, is authorized, but not required, to mail to taxpayers forms for applications for licenses, but failure of the taxpayer to receive any such forms shall not excuse the taxpayer from making application for and securing the license required by this chapter.

Section 5. A new Section 5.04.052 is hereby added to the Redmond Municipal code to read as follows:

5.04.052 Display of License; Renewal/Transfer.

- A. Display of License. Every license granted under this chapter shall be posted in a conspicuous place in the place of business of the licensee. No person shall allow any license to remain posted, displayed, or used after the period for which it was issued has expired, or when it has been suspended or revoked, or for any other reason become ineffective.
- B. Renewal. Each license granted shall expire at the end of the calendar year in which it is issued. Each licensee shall be responsible to renew the license for each ensuing calendar year.
- C. Nontransferability. Any license issued under and by virtue of the provisions of this chapter shall be personal and nontransferable.
- D. New Location Desired. A licensee shall have the right to change the location of the licensed business provided confirmation of the legality of the business activity at the new location is obtained from the City Clerk.

Section 6. A new Section 5.04.082 is hereby added to the Redmond Municipal Code to read as follows:

5.04.082 Criteria for Denial or Revocation of License. The City Clerk may deny a license to any applicant or may suspend or revoke any and all licenses of any holder when such person, or any other person with any interest in the application or license:

- A. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the City of Redmond which may affect or relate to the applicant's or license holder's business;
- B. Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- C. Is convicted of, forfeits bond upon, or pleads guilty to any offenses directly related to the operation of the license holder's business;

- D. Makes a misrepresentation of, or fails to disclose, a material fact to the city;
- E. Violates any building, safety, fire or health regulations on the premises in which the business is located after receiving warning from the City to refrain from such violations;
- F. Is in violation of a zoning regulation of the City of Redmond;

Section 7. A new Section 5.04.084 is hereby added to the Redmond Municipal Code to read as follows:

5.04.084 Request for Hearing.

- A. Notification of Suspension, Revocation, or Denial. When the City Clerk determines that there is cause for denying, suspending or revoking any license issued pursuant to this Chapter, the Clerk shall notify the person holding such license by registered or certified mail, return receipt requested, of the Clerk's decision. Notice mailed to the address on file shall be deemed received three days after mailing. The notice shall specify the grounds for the denial, suspension or revocation. The suspension or revocation shall become effective ten days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the Clerk for a hearing before the City Hearing Examiner within such ten day period.
- B. Hearing Procedure. Upon written request as set out above, the Hearing Examiner shall schedule and hold a hearing within thirty days following receipt of such request. During the pendency of the hearing and until action by the City Council the action of the clerk shall be stayed. At the hearing, both the applicant or licensee and the City shall be entitled to present evidence. Upon completion of the hearing, the Hearing Examiner shall make written findings and a recommendation to the City Council. At a public meeting, the City Council, upon considering the findings and recommendations of the Hearing Examiner shall, without need for further evidence:
  - 1) Accept the Hearing Examiner's recommendation as presented; or
  - 2) Determine no action is warranted; or
  - 3) Modify the recommended action.
- C. Appeal from City Council. Appeal from a decision of the City Council shall be to the King County Superior Court and must be served and filed within thirty days of the decision of the City Council. In the event the applicant or license holder does not follow the procedures within the time periods set forth above, the license of said person shall be denied, suspended or revoked, and that action shall be final.

Section 8. 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 9. This ordinance shall be in full force and effect thirty (30) days after passage and publication by posting as provided by law.

CITY OF REDMOND

Doreen Marchione  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible  
CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY

Barbara Heavens

FILED WITH THE CITY CLERK: September 12, 1984  
PASSED BY THE CITY COUNCIL: 9/18/84  
SIGNED BY THE MAYOR: 9/18/84  
POSTED: 9/20/84  
EFFECTIVE DATE: 10/20/84  
ORDINANCE NO. 1209