

ORDINANCE O-4569

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO BUSINESS LICENSES AND NOTICES RELATED TO REVOCATION OR SUSPENSION THEREOF.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company, it was recommended that  
3 KMC Section 7.02.270(c) be amended in order to provide for a uniform  
4 effective date for a business license revocation or suspension decision,  
5 regardless of whether such decision was delivered or mailed to a  
6 licensee; and

7  
8           WHEREAS, KMC Section 7.02.270(c) provides that a license  
9 revocation or suspension decision is effective one day after delivery to  
10 a licensee; and

11  
12           WHEREAS, KMC Section 7.02.270(c) further provides that a  
13 license revocation or suspension decision is effective three days after  
14 the date of mailing, even though service by mail is commonly  
15 understood to occur three days after mailing, resulting in a potential for  
16 non-uniform license revocation or suspension decision effective dates,  
17 depending on whether such decision was delivered or mailed to a  
18 licensee.

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20           NOW, THEREFORE, the City Council of the City of Kirkland do  
21 ordain as follows:

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23           Section 1. Kirkland Municipal Code Section 7.02.270 is amended  
24 to read as follows:

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26           **7.02.270 Procedures for revocation or suspension.**

27           (a) When the director determines that there is a reasonable basis  
28 for suspending or revoking a business license, the director shall notify  
29 the licensee by regular and certified mail of the city's intention to  
30 suspend or revoke such license. The notice shall also state the reason  
31 for the suspension or revocation and the date that the suspension or  
32 revocation will become effective unless a hearing is requested. The  
33 suspension or revocation shall become effective eight days after the  
34 date the notice is mailed unless the licensee, within such eight-day  
35 period, files a written request with the director for a hearing. The  
36 licensee shall state why the criteria in Section 7.02.260 do not apply to  
37 his/her/its business.

38           (b) Hearing Procedure. The director shall schedule and hold a  
39 hearing within twenty days following receipt of a request that meets the  
40 requirements of subsection (a) of this section. The suspension or  
41 revocation will be stayed pending the director's decision after the  
42 hearing. At the hearing, both the licensee and the city shall be entitled  
43 to present evidence.

44           (c) Upon the completion of the hearing, the director shall make a  
45 decision about the suspension or revocation and shall deliver the written

46 decision to the licensee. If delivery is via mail, it shall be by both regular  
47 and certified mail. If the decision is to suspend or revoke the license,  
48 such action shall be effective one day after delivery of the decision;  
49 provided, that the effective date shall be ~~three~~ four days after the date  
50 of mailing, if delivery is via mail. This decision shall be the final decision  
51 of the city.

52 (d) Any person who continues to engage in business after the  
53 effective date of their license suspension or revocation shall be deemed  
54 to be knowingly operating without a license for the purposes of the  
55 crime of "operating without a license" (see Section 7.02.050(a));  
56 provided, that a person convicted of a crime involving a suspended or  
57 revoked license shall be guilty of a gross misdemeanor.

58 (e) Return of License upon Revocation. Whenever a license is  
59 revoked, the licensee shall immediately return the license to the finance  
60 and administration department. There shall be no refund of any part of  
61 the amount paid for the annual license. In order for the business to  
62 resume operation, city approval of a new application for a new annual  
63 license is required.

64 (f) A writ of review regarding the suspension or revocation may  
65 be sought from King County superior court. A proper request for a writ  
66 of review must be filed with the superior court within twenty calendar  
67 days after the effective date of the suspension or revocation. Review by  
68 the superior court shall be on, and shall be limited to, the information  
69 that was before the director. Filing with the court does not automatically  
70 stay the suspension or revocation.

71  
72 Section 2. This ordinance shall be in force and effect five days  
73 from and after its passage by the Kirkland City Council and publication,  
74 as required by law.

75  
76 Passed by majority vote of the Kirkland City Council in open  
77 meeting this 4th day of April, 2017.

78  
79 Signed in authentication thereof this 4th day of April, 2017.

  
MAYOR

Attest:

  
City Clerk

Publication Date: 04/10/2017

Approved as to Form:

  
City Attorney