

AN ORDINANCE OF THE CITY OF KIRKLAND PROVIDING FOR THE REGISTRATION AND LICENSING OF ALL PERSONS ENGAGING IN BUSINESS ACTIVITIES WITHIN THE CITY, ESTABLISHING FEES FOR SUCH REGISTRATION AND LICENSES, PROVIDING PENALTIES FOR VIOLATIONS AND ENACTING A NEW CHAPTER OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Purpose and Policy.

The City Council finds that in order for the City of Kirkland to responsibly carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the State of Washington as a non-charter code City, maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the City is necessary and essential for the maintenance of the public health, safety and welfare; that such information can best be accumulated and maintained on a current basis through establishment of a license fee supported program for the licensing and registration of such activities.

Section 2. Definitions.

In construing the provisions of the chapter, save when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

(1) Person. The term "person" includes one or more persons of either sex; corporations, including not for profit corporations and municipal corporations, partnerships, including limited partnerships; associations, joint ventures or any other entity capable of having an action at law brought against such entity; but excluding employees.

(2) Business. The term "business" and the phrase "engage in business" each include all services and activities engaged in for a consideration or with the object of pecuniary gain, benefit or advantage to the person, or to another person or class directly or indirectly, whether part-time or full-time; except non-business activities carried on by a religious, organization.

Section 3. Business License Required.

It is unlawful for any person to engage in any

business in the City of Kirkland that is conducted, operated, engaged in or practiced in whole or in part from real property located within the City without first having registered with and obtained a business license from the City. If more than one business is conducted on a single premises a separate registration and license shall be required for each separate business conducted, operated, engaged in or practiced. If a business is conducted from more than one premises in the City a separate registration and license shall be required for each premises within the City.

Section 4. Partial Exemptions.

To the extent set forth in this section, the following persons and/or businesses shall be partially exempt from either the registration, license and/or license fee requirements of this Ordinance.

(1) Tax Exempt Organizations. Any organization holding a current IRS 501(c)(3) exemption certificate issued by the Internal Revenue Service shall, upon filing a copy of same with the City, be exempt from the license and license fee requirements of this Ordinance; provided however, that such organization shall file the required application form with the City, but for information purposes only.

(2) Businesses Subject to Regulatory Licenses Issued by the City of Kirkland. A person holding a valid City of Kirkland regulatory license issued pursuant to any of the following chapters of the Kirkland Municipal Code shall be as to that business activity only, exempt from the license and license fee requirements of this Ordinance; provided however, such organization shall file the application form for informational purposes only:

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| 7.07-Ambulances | 7.24-Dances & Dance Halls |
| 7.12-Amusement Devices | 7.28-Private Investigators & Guards |
| 7.16-Auctions, Auctioneers | 7.32-Massage Parlors & Public Bath Houses |
| 7.20-Cabarets | 7.36-Pawnbrokers-Junk Dealers |
| 7.22-Carnivals & Circuses | 7.44-Taxicabs & For Hire Vehicles |
| 11.60-Sale of Fireworks | 7.60-CATV Franchises |
| 19.24-Temporary Special Events | |

(3) Business and Occupation "Utility" Tax.
Persons subject to the business and occupation tax levied by Chapter 5.08 of the Kirkland Municipal Code upon gross

officials, and shall issue or refuse to issue the license within fifteen (15) days of the date of filing the application. Provided that for applications filed during 1987 the Director shall have forty five (45) days from the date of filing the application to either issue or refuse to issue a license.

(4) If an application is refused, the reason for refusal shall be set forth in writing and mailed to the applicant at the mailing address set forth in the application. The applicant may appeal such refusal to the City Council by filing a notice of appeal within fourteen (14) days of mailing by the Director of the notice of refusal. Upon receipt of a notice of appeal, the City Council shall provide for a hearing thereon in the same manner as is provided in Section 8 for hearing on revocation or suspension of license.

Section 6. Fee - Terms.

(1) Commencing January 1, 1987 business licenses required to be obtained pursuant to this Ordinance shall be issued on a calendar year basis and shall expire on December 31st for the year for which they are issued.

(2) Fees for the annual license issued hereunder shall be as follows:

(A) Fees for businesses having a gross revenue of \$2,000 or less shall be \$0 per year.

(B) For all other businesses the fee shall be \$25 per year.

(C) For persons engaging in a temporary business (business conducted for less than one month in any calendar year) the fee shall be \$12.50 per year.

(3) Initial filing fee: in addition to the annual license fee, a one-time initial filing fee in the amount of \$10.00 shall be paid with each new application form.

(4) All businesses required to obtain licenses hereunder shall obtain the same and pay all fees required on or before February 15 of each respective year; provided however, that for the year 1987 only businesses shall be required to obtain the license before April 1. Any business which fails to obtain and pay the license fees within said period of time shall, in addition to any other penalties provided

receipts shall be exempt from the license and license fee requirements of this Ordinance; provided however, that such person shall file, along with the first B & O "utility" tax return in each calendar year, the application form required by this Ordinance for informational purposes only.

(4) Municipal Corporations. Municipal corporations and other governmental agencies shall be exempt from the license and license fee requirements of this Ordinance; provided however, that each municipal corporation or other governmental agency shall, for information purposes only, file with the City the application form as provided for by this Ordinance.

(5) Religious Organizations. The non-business activities of religious organizations are exempt from the provisions of this Ordinance, such organizations may nevertheless file with the City for information purposes only the application form provided for by this ordinance. Any religious organization which carries on any business activity for which it may be required by the laws of the United States to file a Federal Income Tax Return shall, to that extent only, be subject to the registration, license and license fee requirements of this Ordinance.

Section 5. Procedure.

(1) Application for business license shall be made in writing to the Director of the Department of Administration and Finance upon a form provided by the City and the applicant shall, at the time, deposit with the Director of Administration and Finance, in advance, the license fee herein required. The application shall state the nature and address or addresses of the business or businesses or proposed business or businesses, the name and address of the owner or applicant, an emergency notification name and address, the type of business and number of employees, together with such other information as requested by the Director of Administration and Finance.

(2) If the applicant be a partnership, the application must be made by one of the partners; if a corporation, by one of the officers thereof; if a foreign corporation, partnership or non-resident individual, by the resident agent or local manager of the corporation, partnership or individual.

(3) The Director of Administration and Finance, upon receipt of an application form with fee attached, shall cause an investigation and review of the application to be made by the proper City

for in this Ordinance, be assessed an amount equal to fifty percent (50%) of the license fee for said business as a penalty for such late application and/or payment.

(5) Any business required to obtain a license under this Chapter which does not commence business on or before July 31st of a given calendar year shall pay only one-half of the annual license fee for that year, and upon such payment shall be issued a license for the remaining portion of said calendar year.

Section 7. Notwithstanding any provisions hereof to the contrary, a license hereunder shall not be issued to any person who uses or occupies or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provisions of any ordinance of the City of Kirkland or of the statutes of the State of Washington. The granting of a business license shall in no way be construed as permission or acquiescence in a prohibited activity or other violation of the law.

Section 8. Revocation or Suspension.

The City Council may at any time, suspend or revoke any license issued hereunder whenever the licensee or an officer or partner thereof has been convicted in any court of competent jurisdiction of violating any criminal statute of the United States or the State of Washington or of any ordinance of the City of Kirkland upon the business premises stated in the license or connection with the business stated in the license or, where the place of business does not conform to the ordinances of the City of Kirkland; provided a hearing thereon shall be had before such revocation or suspension. The licensee shall be notified in writing by sending notice to the mailing address stated in the license. Said notice shall state the intention of the City Council to revoke or suspend said license, the reason for such suspension or revocation, and the date and time of the meeting of the City Council at which such will be considered, and the right of the licensee to appear at said meeting and be heard in opposition to such revocation or suspension. Such notice shall be given by certified mail to the licensee at least fourteen (14) days prior to the date of said hearing.

Section 9. Transfer or Sale of Business - New License Required.

Upon the sale or transfer of any business licensed by this Ordinance, the license issued to the prior owner or transferor shall automatically expire on the date of such

sale or transfer and the new owner intending to continue such business in the City of Kirkland shall apply for a new business license pursuant to the procedures established by this Ordinance.

Section 10. Penalty for Violation.

Any person as defined herein and the officers, directors, managing agents or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500. Notwithstanding the foregoing, any such person violating or failing to comply with any provision of this Ordinance following refusal of the City to license or following revocation or suspension of the business license pursuant to Section 8 of this Ordinance, shall be guilty of a serious crime as defined in Section 1.04.010(b) of the Kirkland Municipal Code and upon conviction, subject to the penalties therein prescribed. Each day of violation shall constitute a separate offense.

Section 11. Referendum Procedure.

To the extent that this Ordinance may be subject to the provisions of RCW 35.21.706, it shall be subject to the special referendum procedures established in Chapter 5.10 of the Kirkland Municipal Code.

Section 12. Sections 1 through 10 inclusive of this Ordinance shall constitute a new chapter to Title VII of the Kirkland Municipal Code.

Section 13. Savings Clause.

If any section, sub-section, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law, or January 1, 1987, which ever shall last occur.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of August, 1986.

Signed in authentication thereof this 18th day of
August, 1986.

Louis Cooper
MAYOR

ATTEST:

Tom Adams
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Raymond
City Attorney