

CODE

CITY OF REDMOND
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING RMC SECTIONS 5.04.030, 5.04.040, 5.04.045, 5.04.050, 5.04.060, 5.04.070, 5.04.080, 5.04.084, 5.04.085, 5.04.090, 5.04.100, 5.04.130, 5.04.140, 5.05.020, 5.08.020, 5.10.010, 5.12.020, 5.12.030, 5.16.010, 5.20.020, 5.22.020, 5.36.030, 5.52.040, 5.56.020, 5.60.030, 5.68.070, 5.75.030, 5.80.030, AND 12.14.030 TO ADOPT UPDATES TO ALIGN TERMINOLOGY; ADD NEW DEFINITIONS AND LANGUAGE; UPDATE REQUIRED REPORTING METHOD; REVISE STRUCTURE OF PENALTY FOR LATE PAYMENT; UPDATE LIST OF MASTER EVENT AND EXEMPTED SPECIAL EVENTS FOR THE CITY OF REDMOND; UPDATE LANGUAGE TO ACCOMMODATE BUSINESS LICENSING SERVICE PROCESSES; AND UPDATE LANGUAGE TO CLARIFY LICENSE TYPES ADMINISTERED BY THE CITY OF REDMOND BASED ON THE PARTNERSHIP ENTERED WITH THE WASHINGTON STATE DEPARTMENT OF REVENUE BUSINESS LICENSING SERVICE FOR THE ADMINISTRATION OF THE CITY'S GENERAL BUSINESS LICENSE PROGRAM AS REQUIRED BY RCW 35.90, MUNICIPAL BUSINESS LICENSING, EFFECTIVE MARCH 18, 2021

WHEREAS, the 2017 Washington State Legislature passed Engrossed House Bill (EMB) 2005, now codified as Chapter 35.90 RCW, requiring Washington cities and towns with a business licensing program to partner with the Business Licensing Service (BLS) for administration of general business licenses; and

WHEREAS, city staff and Washington State Department of Revenue staff reviewed the business licensing process and

procedures set forth in RMC Chapter 5 Business Licenses and Regulations for required updates; and

WHEREAS, the City Council reasonably believes that the adoption of this ordinance is in furtherance of the objective to streamline and simplify the administration of general business licensing in the City of Redmond.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Amendment of Section. RMC Chapter 5.04, General Business Regulations, List of Sections, is hereby amended to read as follows:

Chapter 5.04

GENERAL BUSINESS REGULATIONS¹

Sections:

- | | |
|----------|--|
| 5.04.010 | Purpose. |
| 5.04.020 | Scope. |
| 5.04.030 | Definitions. |
| 5.04.040 | Business license required. |
| 5.04.045 | Master event business license. |
| 5.04.050 | Finance director as license officer. |
| 5.04.060 | Qualifications of applicants. |
| 5.04.070 | Procedures for issuance of license. |
| 5.04.080 | Fees - Payment. |
| 5.04.084 | [TEMPORARY EMPLOYEES.] <u>Employees provided by a temporary employment service agency.</u> |
| 5.04.085 | Penalty for late payment - Interest. |
| 5.04.090 | Display of license - Renewal - Transfer. |

- 5.04.100 Notification of exemption or termination of business activities.
- 5.04.110 Operating without a license.
- 5.04.120 License fee additional to others imposed.
- 5.04.130 Exemptions.
- 5.04.140 Criteria for denial, suspension or revocation of license.
- 5.04.150 Request for hearing.
- 5.04.160 Penalties.

Section 3. Amendment of Subsection. RMC 5.04.030,
Definitions, is hereby amended to read as follows:

5.04.030 Definitions.

Where used in this chapter or title, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(A) "Business" includes all activities, occupations, pursuits, or professions located or engaged 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;

(B) "Business license" is that document ~~[ISSUED]~~ approved by the city for issuance, providing proof of licensing the transaction of ~~[THE INDICATED]~~ business within the city by the person whose name appears thereon for the stated year license period. For the purpose of this chapter, an original or officially issued duplicate of the document

~~[SHALL]~~ constitutes s a valid "business license" for every purpose;

(C) "Employee" means any person who performs work, labor, or services for a business and is on the business' payroll. For the purpose of this chapter, the term "employee" also includes all full-time, part-time, seasonal, ~~[AND]~~ ~~[TEMPORARY EMPLOYEES OR]~~ limited duration and other workers on the business' payroll, and self-employed persons, sole proprietors, owners, managers, partners, any family members working at the business, and any officers, agents or personal representatives acting in a fiduciary capacity;

(D) Engaging in Business.

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to pay a business license fee. The activities listed in this section

are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license:

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys,

auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of

Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

(E) "Finance director" or "director" means the City of Redmond Finance Director or his/her designee;

(F) "Person" includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, independent contractor, society or any group of individuals acting as a unit;

(G) "City" means the City of Redmond, Washington; and

(H) "Year" means a calendar year.

(I) "Business Licensing Service" or "BLS" means the office within the Washington State Department of Revenue providing business licensing services to the city.

Section 4. Amendment of Subsection. RMC 5.04.040,
Business License Required, is hereby amended to read as follows:

5.04.040 Business license required.

(A) No person [~~SHALL~~] **may** engage in any business within the city 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," and without paying the **city business** license fee imposed by this chapter. [~~PROVIDED, HOWEVER, THAT AN INDEPENDENT CONTRACTOR~~]

~~WHO PROVIDES WORK, LABOR, OR SERVICES TO OR ON BEHALF OF A BUSINESS ENTITY LICENSED HEREUNDER, WHERE SUCH GOODS OR SERVICES ARE OF THE SAME KIND OR NATURE AS THOSE PROVIDED BY THE BUSINESS ENTITY IN ITS NORMAL COURSE OF BUSINESS, SHALL NOT BE REQUIRED TO OBTAIN A SEPARATE BUSINESS LICENSE WHEN ALL OF THE LICENSE FEES AND TAXES REQUIRED BY THIS CHAPTER WITH RESPECT TO SUCH INDEPENDENT CONTRACTOR ARE INCLUDED IN THE LICENSE FEES AND TAXES PAID BY THE ENTITIES WHICH RECEIVE OR USE THE INDEPENDENT CONTRACTOR'S WORK, LABOR OR SERVICES, PURSUANT TO SECTOIN 5.04.080. WHERE A BUSINESS ENTITY ELECTS NOT TO COVER ITS INDEPENDENT CONTRACTORS AS PROVIDED IN THIS SECTION, THE BUSINESS ENTITY AND EACH OF ITS INDEPENDENT CONTRACTORS MUST OBTAIN SEPARATE BUSINESS LICENSES AS PROVIDED IN THIS CHAPTER.}]~~

(1) Business entities utilizing independent contractors shall provide the Finance Director with a list of independent contractors, including names, addresses, telephone numbers, and the nature of the goods or services provided to or on behalf of the business entity.

(B) Persons or companies doing business in the City of Redmond must comply with this chapter regardless of the physical location of the business (i.e., whether **located** inside, or **entering the city from a location** outside Redmond

City limits). If entering the city from outside city limits,
~~A~~an original or officially issued duplicate city license must
be obtained for use at each location in the city where
business is transacted concurrently. A person located inside
city limits ~~SHALL~~ must obtain a separate original license
issued specifically for each separate physical location.

(C) A person operating multiple business entities, such
as when having more than one Unified Business Identifier
assigned, ~~SHALL~~ must obtain a separate business license for
each separate business location in the city of each such
separate business entity [~~ENGAGED IN, INCLUDING BUT NOT~~
~~LIMITED TO A SEPARATE BUSINESS FOR EACH SEPARATE UNIFIED~~
~~BUSINESS IDENTIFIER NUMBER ISSUED BY THE WASHINGTON STATE~~
~~DEPARTMENT OF LICENSING.~~]

Section 5. Amendment of Subsection. RMC 5.04.045, Master
Event Business License, is hereby amended to read as follows:

5.04.045 Master event business license.

(A) Any person organizing, promoting, sponsoring, or
conducting any arts or crafts fair, farmer's market, trade
show, or other similar event which:

(1) Does not exceed seven days in duration and does
not occur more than once in any calendar year; or

(2) Does not exceed two days in duration during any calendar week and does not operate for more than six months in any calendar year, at which multiple dealers or vendors will be present selling goods or services at a single location, may obtain a master event business license **directly from the city,** as provided in this section. The master event business license shall cover all dealers and vendors involved in the event and individual dealers and vendors participating in the event shall not be required to obtain separate business licenses in connection with their participation.

(B) The city may also obtain a master event business license for the following city-sponsored community events for which an admission fee is charged: Friday performance arts events, summer music series, Special Monthly Events at the Redmond Senior Center, the father/daughter dance, the mother/daughter tea, Big Truck Day, Redmond Senior Center Talent Shows, and the Spring/Fall Farm School Activities. Additional city-sponsored community events for which an admission fee is charged may be added to this list with approval of the event-sponsoring department and the Finance Director.

(C) Applicants for a master event business license shall be required to meet all requirements of this chapter for

issuance of a business license and shall be required to pay all fees and taxes imposed by this chapter on behalf of themselves and all dealers and vendors covered by the master event business license.

(D) Holders of master event business licenses shall be required to provide the Finance Director with a list of all participating dealers and vendors at least ten days prior to the event. The list shall include the dealer or vendor's name, address, telephone number, and state UBI number. Only those dealers and vendors set forth on the list are covered under the master event business license.

(E) Nothing in this section is intended to prevent the city from requiring other permits or approvals in connection with an event covered by this section, including but not limited to any necessary building and zoning approvals, and any necessary right-of-way use permits.

Section 6. Amendment of Subsection. RMC 5.04.050, Finance Director as License Officer, is hereby amended to read as follows:
5.04.050 Finance director as license officer.

(A) The finance director [~~SHALL COLLECT~~] **must ensure** all license fees **are collected properly,** and [~~SHALL~~] **will approve** ~~ISSUE~~ **issuance of** licenses in the name of the city to all

persons qualified under the provisions of this chapter and
[SHALL HAVE] **has** the authority to:

(1) Adopt Forms. Adopt **the city's** application, license, renewal, annual return, and all other necessary or convenient forms, **other than those utilized by the Business Licensing Service,** and prescribe the information to be provided **on such forms maintained by the city.** Such [REQUIRED] information **required on the city maintained forms** 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, the UBI number (if applicable), and the number of employees;

(2) Obtain Endorsement. Submit **the information from** applications, when deemed appropriate, 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;

(3) Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein;

(4) Examine Records. Examine and audit the books and records of any applicant or licensee when reasonably

necessary to the administration and enforcement of this chapter. The records of a business, including but not limited to federal and state tax returns and invoices, shall be open for examination by the finance director or authorized agent at any time to the extent not prohibited by law;

(5) Give Notice. Notify any applicant of the acceptance or rejection of the application;

(6) Regulate Form of Licenses. Ensure that each license issued directly from the city is numbered, and shows the name of the licensee, business address and the character of the business authorized to be transacted.

Section 7. Amendment of Subsection. RMC 5.04.060, Qualifications of Applicants, is hereby amended to read as follows:

5.04.060 Qualifications of applicants.

(A) Standards to Be Applied. The finance director [~~SHALL~~] **may** base the decision to [~~ISSUE~~] **approve** or deny the issuance of a license upon the following criteria:

(1) Applicant History. All violations of city regulations or convictions within the 10 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~~] [~~W~~]**Whether** such [~~PERSON~~] **applicant** [~~IS~~] previously

~~[OPERATING]~~ **operated** in this or another jurisdiction under a license ~~[HAS HAD SUCH LICENSE]~~ **that was subsequently** revoked or suspended~~7;~~ the reasons therefor, and the demeanor of the applicant subsequent to such action~~7.~~

(3) No Obligation to city. Except as otherwise provided in this chapter, applicants ~~[SHALL]~~ **may** not be in default under the provisions of this chapter or indebted or obligated in any manner to the city, except for current taxes and other obligations not past due;

(4) Compliance with City Regulations. The proposed use of any premises ~~[SHALL]~~ **may** 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 8. Amendment of Subsection. RMC 5.04.070, Procedures for Issuance of License, is hereby amended to read as follows:

5.04.070 Procedures for issuance of license.

(A) Formal Application Required. Every person required to procure a **city business** license under the provisions of this chapter ~~[SHALL]~~ **must** submit an application for such license to the ~~[FINANCE DIRECTOR]~~ **Business Licensing Service.**
~~[THE APPLICATION SHALL BE MADE UPON FORMS PROVIDED BY THE~~

~~FINANCE—DIRECTOR.]~~ The application must include all information required for all licenses requested, the total fees due for all licenses, and the application handling fee required by RCW 19.02.075.

(1) ~~[DETERMINATION OF WHETHER A BUSINESS LICENSE APPLICATION IS COMPLETE FOR PURPOSES OF ISSUING A BUSINESS LICENSE SHALL BE MADE BY THE]~~ The city finance director will determine whether the application may be approved for license issuance.

(2) An incomplete application for a business license ~~[SHALL]~~ will be deemed ~~[TO BE]~~ abandoned ~~[90]~~ 120 days after the date of ~~[APPLICATION]~~ submittal, and be administratively withdrawn, unless such application has in the interim been pursued in good faith to be completed. ~~[OR A LICENSE HAS BEEN ISSUED. EXPIRED]~~ Applicants which have had their application~~[S]~~ administratively withdrawn ~~[SHALL]~~ will forfeit a minimum of ~~[\$115.00 IN 2019 AND \$117.00]~~ \$119.00 in 2021 and \$122.00 in 2022 ~~[IN 2020]~~ of the new application fee submitted.

(B) Commencement of Business Activities. No person ~~[SHALL BE]~~ is entitled or authorized to engage in business within the city until such time as the finance director has approved the issuance of a business license pursuant to the

terms of this chapter. The mere acceptance of a business license application by the city [~~SHALL NOT BE DEEMED TO~~] does not grant any right or privilege under this chapter, except as otherwise provided by law.

(C) Burden on Applicant. The finance director, or other designated officer or service, is authorized, but not required, to mail to persons engaging in business forms for applications and/or renewals for licenses~~7.~~ [~~BUT~~] [~~F~~]Failure of the person to receive any such form [~~SHALL~~] does not excuse the person from making application for and securing the license required by this chapter.

(D) New License Applications Meet the Requirement for Hazardous Materials Questionnaire Submittal. Applications for new business licenses, including home businesses, and mobile businesses proposed to operatee [~~ING~~] within the boundaries of Critical Aquifer Recharge Area I and II, [~~SHALL~~] must be reviewed by the City of Redmond Director of Public Works, or his or her designee for regulatory status related to hazardous materials handling and may require submittal of additional information related to hazardous materials handling. Applications for business license renewals may require submittal of additional information related to hazardous materials handling, by the City of Redmond Director of Public

Works, or his or her designee, in accordance with the requirements under Chapter 13.07, Wellhead Protection.

Section 9. Amendment of Subsection. RMC 5.04.080, Fees - Payment, is hereby amended to read as follows:

5.04.080 Fees - Payment.

(A) Reporting by Hours Method. The annual business license fee is calculated by determining the number of employee hours worked in the City of Redmond [~~DURING~~] in the previous year and [~~THEN~~] multiplying that figure by [~~\$0.059895 IN 2019~~] \$0.061979 in 2021. The resulting dollar amount must be rounded to the nearest cent. The city shall allocate [~~\$49.00~~] \$51.00 out of each [~~\$115.00~~] \$119.00 received to the general fund and [~~\$66.00~~] \$68.00 out of each [~~\$115.00~~] \$119.00 received to transportation capital improvements or transportation demand management projects in [~~2019~~] 2021. The annual business license fee in [~~2020~~] 2022 is calculated by determining the number of employee hours worked in the City of Redmond [~~DURING~~] in the previous year and [~~THEN~~] multiplying that figure by [~~\$0.060937~~] \$0.063542. The resulting dollar amount must be rounded to the nearest cent. The city shall allocate [~~\$50.00~~] \$52.00 out of each [~~\$117.00~~] \$122.00 received to the general fund and [~~\$67.00~~] \$70.00 out of each [~~\$117.00~~] \$122.00 received to

transportation capital improvements or transportation demand management projects in 2022.

(1) *Repealed by Ord. 2546.*

(2) *Repealed by Ord. 2546.*

(3) Annual employee hours are calculated based on the sum of the four quarterly reports submitted to the Washington State Department of Labor and Industries for the previous year.

(4) It [~~SHALL BE~~] **is** the responsibility of the employer to determine the number of hours worked within the city from these reports. Businesses that did not file quarterly reports with the Washington State Department of Labor and Industries [~~SHALL~~] **must** determine the number of hours worked within the city and demonstrate, if required, to the satisfaction of the finance director, that the number of employee hours worked is correct.

(5) Employers without a full year history [~~WOULD NEED TO~~] **must** estimate the number of employee hours that will be worked in the current [~~CALENDAR~~] year.

(6) *Repealed by Ord. 2839.*

(7) *Repealed by Ord. 2839.*

~~{ (B) REPORTING BY FTE METHOD. A BUSINESS MAY CHOOSE TO CALCULATE ITS ANNUAL LICENSE FEE BASED ON THE NUMBER OF ITS FULL-TIME EQUIVALENT EMPLOYEES. USING THIS METHOD THE ANNUAL BUSINESS LICENSE FEE IS CALCULATED BY MULTIPLYING THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES DURING THE PREVIOUS YEAR BY \$115.00 IN 2019 AND \$117.00 IN 2020. THE CITY SHALL ALLOCATE \$49.00 OUT OF EACH \$115.00 RECEIVED TO THE GENERAL FUND AND \$66.00 OUT OF EACH \$115.00 RECEIVED TO TRANSPORTATION CAPITAL IMPROVEMENTS OR TRANSPORTATION DEMAND MANAGEMENT PROJECTS IN 2019. IN 2020, THE CITY SHALL ALLOCATE \$50.00 OUT OF EACH \$117.00 RECEIVED TO THE GENERAL FUND AND \$67.00 OUT OF EACH \$117.00 RECEIVED TO TRANSPORTATION CAPITAL IMPROVEMENTS OR TRANSPORTATION DEMAND MANAGEMENT PROJECTS. }~~

~~(1) REPEALED BY ORD. 2546.~~

~~(2) REPEALED BY ORD. 2546.~~

~~(3) REPEALED BY ORD. 2546.~~

~~(4) REPEALED BY ORD. 2546.~~

~~(5) REPEALED BY ORD. 2546.~~

~~(6) THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES SHALL BE BASED ON THE SUM OF THE FULL-TIME EMPLOYEES IN THE FOUR QUARTERLY REPORTS SUBMITTED TO THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES FOR THE PREVIOUS YEAR DIVIDED BY FOUR.~~

~~(7) IT SHALL BE THE RESPONSIBILITY OF THE EMPLOYER TO DETERMINE THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES WORKING WITHIN THE CITY FROM THESE REPORTS. BUSINESSES THAT DID NOT FILE QUARTERLY REPORTS WITH THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES SHALL DETERMINE THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES WORKING IN THE CITY AND DEMONSTRATE, IF REQUIRED, TO THE SATISFACTION OF THE FINANCE DIRECTOR, THAT THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES IS CORRECT.~~

~~(8) FOR BUSINESSES WITH EMPLOYEES WHO WORK LESS THAN 1,920 HOURS PER YEAR (THE WORK HOUR FIGURE USED BY THE WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES) THE TOTAL NUMBER OF HOURS WORKED BY ALL SUCH EMPLOYEES DURING THE FOUR QUARTERS OF THE PREVIOUS YEAR SHALL BE ADDED TOGETHER AND DIVIDED BY 1,920 TO DETERMINE THE FULL-TIME EMPLOYEE EQUIVALENCY.~~

~~(9) EMPLOYERS WITHOUT A FULL YEAR HISTORY WOULD NEED TO ESTIMATE THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES THAT WILL WORK IN THE CITY FOR THE CURRENT CALENDAR YEAR.~~

~~(10) Repealed by Ord. 2839.~~

~~(11) Repealed by Ord. 2839.~~

(C) If at any time during the year it appears that the number of employee hours worked [~~OR IF USING THE FTE METHOD~~

~~THE NUMBER OF EMPLOYEES~~ was under-reported at the time of application or renewal, an additional license fee and a penalty on the additional license fee ~~[SHALL BE]~~ **is** due. The penalty ~~[SHALL BE]~~ **is** equal to twenty percent (20%) per annum of the additional fee, plus any accounting, legal, or administrative expenses incurred by the city in determining the under-reporting or in collecting the tax and penalty.

(D) The license fee for a business required to be licensed under this chapter and not located within the city's corporate limits ~~[SHALL BE]~~ **is also** calculated based upon the number of employee hours ~~[WORKED OR THE NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES]~~ **who worked** within the city, **as described in subsection (A),** but in no event ~~[SHALL]~~ **may** the license fee **due** be **stated as** less than the minimum fee set forth in ~~[THIS CHAPTER]~~ **subsection (E) of this section.**

(E) Businesses doing business in the city that have no employees physically working within the city ~~[SHALL]~~ **must** pay the minimum license fee required under this chapter.

(F) The minimum fee for any license issued under this chapter ~~[SHALL BE \$115.00 IN 2019 AND \$117.00 IN 2020]~~ **is \$119.00 in 2021 and \$122.00 in 2022.**

(1) Exemptions. The following entities may claim an exemption from the **city's** license **application** ~~[OR]~~ **and**

renewal fees~~s~~, but if so exempt under this subsection such entities ~~[SHALL]~~ must still register and obtain a city business license under this chapter, unless otherwise indicated.

(a) Any nonprofit entity exempt from taxation under ~~[26 U.S.C. SEC. 501(c)(3)]~~ a provision of 26 U.S.C. § 501(c), provided they submit a copy of their Internal Revenue Service tax exemption status determination letter ~~[UPON FURNISHING PROOF TO THE FINANCE DIRECTOR OF ITS NONPROFIT STATUS.]~~

(b) Governmental entities that engage solely in activities which are not exclusively governmental, such as some activities of a hospital or medical clinic.

(c) A nonprofit ~~[BUSINESS]~~ organization operated exclusively for a religious purpose ~~[THAT FILES WITH THE CITY A COPY OF ITS CURRENT IRS 501(C)(3) EXEMPTION CERTIFICATE ISSUED]~~ and deemed by the Internal Revenue Service as exempt from federal taxation under 26 U.S.C § 501(c)(3), even without the issuance of a tax exemption determination letter, is fully exempt from all requirements of this chapter. Such a religious organization conducting any actual commercial business activity beyond their core religious purpose is fully liable for complying with all

licensing requirements of this chapter for such other business activities.

(d) Civic groups, service clubs, and social organizations that are not engaged in any profession, trade, or occupation, but are organized to provide civic, service or social activities in the city. Examples of such organizations may include but are not limited to: Soroptimists; Kiwanis; Lions; Rotary; American Legion; children's and adults' athletic organizations; and similar types of groups, clubs or organizations.

(e) For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city, shall submit a business license registration to the director or designee, **but be exempt from the city license fee therefor.** The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

(G) The annual license fee [~~SHALL BECOME~~] **is** due **on or before the license expiration date.** [~~AND PAYABLE ON JANUARY 1ST OF EACH CALENDAR YEAR. THE BUSINESS LICENSE FEE SHALL NOT BE PRORATED FOR ANY PART OF ANY YEAR.~~]

(H) A licensee may request that the city refund that portion of the annual business license overpaid on the basis that the business miscounted the number of employee hours worked [~~OR THE NUMBER OF EMPLOYEES~~]. The request must be in writing and the city must receive the request and all supporting payroll documentation no later than 60 days after the end of the licensee's fiscal year in which the error was made. If the finance director is satisfied that the business paid an excess business license fee, then the city will refund the excess fee paid by the business during either the current [~~CALENDAR~~] license year or no further than one prior [~~CALENDAR~~] license year past.

(I) Payment made directly to the city by check shall not be deemed a payment of the fee unless and until the same has been honored in the usual course of business, nor shall acceptance of any such check operate as an acquittance or discharge of the fee unless and until the check is honored. Any person who submits a business license fee payment by check to the city pursuant to the provisions of this chapter shall be assessed a NSF fee set by the finance director if the check is returned unpaid by a bank or other financial institution for insufficient funds in the account or for any other reason.

Payment by check submitted to the Business Licensing Service

will be subject to applicable rules adopted by the Washington State Department of Revenue.

(J) If any person required by the terms and provisions of this chapter to pay a license fee for any period fails or refuses to do so, the person shall not be granted a license for the current period until the delinquent license fee, together with penalties, has been paid in full. Any license fee due and unpaid under this chapter and any penalties thereon shall constitute a debt to the city and may be collected in court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

Section 10. Amendment of Subsection. RMC 5.04.084, Temporary Employees, is hereby amended to read as follows:

5.04.084 [~~TEMPORARY EMPLOYEES~~] Employees provided by a temporary employment service agency.

(A) The following provisions shall apply to businesses engaged in the practice of providing temporary employees or workers ("temporary agencies") to businesses located within the city and to businesses located within the city which utilize the services of such employees or workers:

(1) Temporary agencies located within the city shall include all temporary employees and workers placed with

businesses located within the city in calculating the number of employee hours worked in addition to employees described under RMC 5.04.030 (C) ;

(2) Temporary agencies located outside the city which place temporary employees or workers with businesses located within the city shall include all such temporary employees and workers in calculating the number of hours worked by their employees;

(3) Businesses located within the city which utilize temporary employees or workers provided by a temporary agency shall not include the temporary employees or workers in calculating the number of their employee hours;

(4) Temporary agencies placing temporary employees and workers within the city shall calculate the number of hours worked by such employees and workers in the manner provided by RMC 5.04.080 (A) ;

(5) In addition to submitting an initial business license application or subsequent renewal application to the Business Licensing Service, all businesses located within the city which use temporary employees or workers furnished by a temporary agency [~~SHALL~~] must separately report directly to the city finance director [~~INDICATE~~] the number of employee hours worked by such temporary staff using the formula set

forth in RMC 5.04.080(A) and further indicate the names and addresses of the temporary agencies furnishing said employees or workers. Failure to so report the number of hours worked by temporary employees or workers or the names and addresses of the agencies furnishing said employees or workers ~~[SHALL]~~ **will** result in the city ~~[IMPOSITION]~~ **imposing** ~~OF~~ a penalty equal to ten percent (10%) of the company's total business license fee. In addition, failure to report may result in revocation, suspension, or denial of the business license.

Section 11. Amendment of Subsection. RMC 5.04.085, Penalty for Late Payment - Interest, is hereby amended to read as follows:

5.04.085 Penalty for late payment - Interest.

(A) For each payment due, if such payment is not made by the due date, ~~[THERE SHALL BE ADDED]~~ **the city will impose its own set of** penalties, **in addition to those provided for in 5.04.090,** as follows:

(1) ~~[A PENALTY OF F]~~**F**ifty (50) percent of the **total** license fee due **for any** ~~[SHALL BE IMPOSED FOR EACH]~~ payment or portion thereof that is received or postmarked after ~~[FEBRUARY 15TH OR THE NEXT BUSINESS DAY]~~ **license expiration.**

~~[(2) A PENALTY OF ONE HUNDRED (100) PERCENT OF THE LICENSE FEE DUE SHALL BE IMPOSED FOR ANY PAYMENT OR PORTION~~

~~THEREOF THAT IS RECEIVED OR POSTMARKED AFTER MARCH 15TH OR THE
NEXT BUSINESS DAY.]~~

(B) The finance director is authorized, but not obligated, to waive all or any portion of the city imposed penalties and interest provided herein in the event that the director determines that the late payment was the result of excusable neglect or extreme hardship.

Section 12. Amendment of Subsection. RMC 5.04.090, Display of License - Renewal - Transfer, is hereby amended to read as follows:

5.04.090 Display of license - Renewal - Transfer.

(A) Display of License. Every license granted under this chapter ~~SHALL~~ must be posted in a conspicuous place in the place of business of the licensee for which it was issued. No person ~~SHALL~~ may 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 has become ineffective.

(B) Renewal. Each license [~~GRANTED SHALL~~] expires on the date established by the Business Licensing Service (BLS), and must be renewed on or before that date in order to continue engaging in business in the city under that license [~~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.]~~

(1) The application to renew a license must be submitted to BLS, and must include all information required to renew each license involved, the total fees due for all licenses, and the renewal application handling fee required by RCW 19.02.075.

(2) The license term and respective fee amount may be prorated as necessary to synchronize the license expiration with the expiration of the business license account maintained by BLS.

(3) Failure to complete the renewal by the license expiration will incur the late renewal penalty required by RCW 19.02.085 in addition to all other fees due.

(4) Failure to complete the renewal of the license within 120 days after the license expiration will result in the cancellation of the license, and will require submitting a new application as provided by this chapter to continue engaging in business in the city.

(C) Nontransferability. Any license issued under and by virtue of the provisions of this chapter ~~[SHALL BE]~~ **is** personal and nontransferable. **A person may not allow another person to engage in business in the city under their license,**

and no person may engage in business in the city under another person's license.

(D) New Location Desired. A licensee [~~SHALL HAVE THE RIGHT TO~~] may change the location of the licensed business, provided the Business Licensing Service is notified sufficiently prior to the change to allow the city to review and approve the change. Business may not commence at the new location until the change is approved by the city. A change of location may require the submission of a new application, as provided for in this chapter [~~CONFIRMATION OF THE LEGALITY OF THE BUSINESS ACTIVITY AT THE NEW LOCATION IS OBTAINED BY THE FINANCE DIRECTOR.~~]

(E) *Repealed by Ord. 2839.*

(F) Change in Ownership. In the event of the sale of a business, the new owner must obtain their own license for the business, as provided for in this chapter. The new owner may not commence business in the city under the acquired business until the issuance of the business license.

Section 13. Amendment of Subsection. RMC 5.04.100, Notification of Exemption or Termination of Business Activities, is hereby amended to read as follows:

5.04.100 Notification of exemption or termination of business activities.

(A) Every person who has obtained a business license required by this chapter and who thereafter ceases to engage in business within the city shall, prior to the end of the calendar year during which business operations have been terminated, must, at least by the current expiration date of the license, notify the ~~[FINANCE DIRECTOR IN WRITING]~~ Business Licensing Service that business activities have ceased. Any business for which a license has been issued ~~[SHALL BE]~~ is presumed to continue in operation within the city unless notice of termination of business activities has been given as provided above, and respective penalties may be imposed, and other enforcement proceedings may be commenced ~~[ON THE BASIS OF]~~ based on such presumption.

(B) Every person who engages in a business in the city, and which is exempt from all the licensing provisions of this chapter under federal, state, and/or local laws, ~~[SHALL]~~ must notify the finance director in writing of the existence of their business in the city, their exemption from the license requirements, and the basis for ~~[THE]~~ that exemption.

(C) Any business ~~[WHICH IS]~~ exempt from the provisions of this chapter or which has terminated its business activities in the city ~~[SHALL]~~ is not ~~[BE]~~ entitled to a

refund of any portion of the city license fee paid to the city under this chapter.

Section 14. Amendment of Subsection. RMC 5.04.130, Exemptions, is hereby amended to read as follows:

5.04.130 Exemptions.

(A) The provisions of this chapter shall not apply to:

(1) Any instrumentality of the United States, the State of Washington, or political subdivision thereof with respect to the exercise of governmental functions;

(2) Any farmer, gardener, or other person who sells, delivers or peddles any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meat or any farm produce or edibles raised, caught, produced or manufactured by such person in the state;

(3) *Repealed by Ord. 2546;*

(4) Any apartment or condominium, residential rental or leasing activity which does not involve more than four residential units at any one location within the city, provided that if any such single rental property includes five or more separate dwelling units the person offering such a property for rent must obtain a business license as otherwise required by this chapter.

(5) Any insurance producer who represents insurance companies or sells insurance to the public and is properly licensed by the state;

(6) Newspaper carriers under the age of 18;

(7) Any person, business, enterprise, firm, or corporation which the city is forbidden to license or tax under state or federal law;

(8) Businesses that do not engage in other business activities within the city limits but are merely complying with destination-based sourcing rules as outlined in the National Streamlined Sales Tax (SST) Agreement; or

(9) Community special events that are sponsored by the city and that are open to the public without the payment of an admission fee are exempt from the requirement to obtain a business license. In addition, no business license shall be required for dealers, vendors, entertainers, instructors, and others with whom the city or any co-sponsor contracts to provide goods or services at the event. As used in this subsection, "community special event" means the following events sponsored or co-sponsored by the city: Derby Days, Redmond Lights, ~~[THE DIGITAL ARTS FESTIVAL, THE ARTS IN THE PARK SERIES, THE COMMUNITY LECTURE SERIES, PET FAIR, THE SPRING GARDEN FAIR, THE HOLIDAY CRAFT MARKET,]~~ Health Fair,

Redmond Bike Bash, City of Redmond Poet Laureate, So Bazaar Night Market, Artist-in-Residence, Welcoming Week and the Redmond Senior Center Outdoor Music Series.

Additional city-sponsored community special events that are open to the public without the payment of an admission fee may be added to this list with approval of the event-sponsoring department and the Finance Director. The City Council will be notified of changes to the list of free city-sponsored community events.

(10) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person

or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the city.

(e) Attending, but not participating in a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the city.

(11) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the city. Such activities do not include those in subsection (10).

Section 15. Amendment of Subsection. RMC 5.04.140, Criteria for Denial, Suspension or Revocation of License, is hereby amended to read as follows:

5.04.140 Criteria for denial, suspension or revocation of license.

(A) The finance director may deny issuance of a business license to any applicant or suspend or revoke any and all business licenses of any holder when such person, or any other person with any interest in the application or license:

(1) Knowingly violates or knowingly causes, aids, abets, or conspires with another to cause any person to violate any state, federal, or city law which may affect or relate to the applicant or license holder's business, except for federal statutes, rules and regulations relating to marijuana that are in conflict with state law, as long as the applicant or person with interest in the application has a current state license to operate a marijuana facility;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is or has been convicted of, forfeits bond upon, or pleads guilty to any felony offenses directly related to the operation of the applicant's or license holder's business unless the offense relates to marijuana and the applicant has a current state license to operate a marijuana facility;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;

(6) Is in violation of a zoning regulation of the city;

(7) Is indebted or obligated to the city for past due taxes excluding special assessments such as LID assessments.

(8) Fails to maintain the license in good standing status with the city.

Section 16. Amendment of Subsection. RMC 5.05.020,
Additional Business License Requirement for Public Massage or
Reflexology Establishment, is hereby amended to read as follows:

**5.05.020 Additional business license requirement for public
massage or reflexology establishment.**

(A) Any individual who applies for a business license for a public massage establishment must, in addition to meeting the licensing requirements of Chapter 5.04, provide **directly to** the **city** finance director [~~WITH~~] evidence that

the individual has received a state of Washington massage practitioner's license pursuant to RCW Chapter 18.108, which license shall be current and in effect unless such person is exempt from the state license requirement. **The application for a city business license under Chapter 5.04 must state specifically the applicant intends to operate the business as a public massage establishment.** Additionally, any individual rendering services at the public massage establishment must also possess a state of Washington massage practitioner's license.

(B) Any individual who applies for a business license for a public reflexology establishment must, in addition to meeting the licensing requirements of Chapter 5.04, provide **directly to** the **city** finance director [~~WITH~~] evidence that the individual has received a state of Washington reflexology certification pursuant to RCW Chapter 18.108, which certification shall be current and in effect unless such person is exempt from the state license requirement. **The application for a city business license under Chapter 5.04 must state specifically the applicant intends to operate the business as a public reflexology establishment.** Additionally, any individual rendering services at the public reflexology

establishment must also possess a state of Washington reflexology certification.

Section 17. Amendment of Subsection. RMC 5.08.020, License Required - Exceptions, is hereby amended to read as follows:

5.08.020 License required - Exceptions.

(A) Any person seeking to engage in business as a peddler, solicitor, or canvasser shall first obtain a peddler, solicitor, or canvasser license as provided for in this chapter. The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

(B) Exceptions. No person shall be required to take out a license or pay a fee:

(1) For the peddling of local newspapers;

(2) For the peddling of fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state;

(3) When that person, after having been specifically requested by another to do so, calls upon that other person for the purpose of displaying goods, literature or giving information about any article, thing, product or service;

(4) When that person is acting in his or her capacity as a member of a charitable, religious or nonprofit organization or corporation which has received tax exempt status under 26 U.S.C. Sec. 501(c)(3) or other similar civic, charitable or nonprofit organizations;

(5) When a person is engaged in political or other First Amendment speech or solicitation; or

(6) When that person's peddling or solicitation consists exclusively of the solicitation of order(s) to be filled solely by interstate shipment on behalf of businesses that do not maintain a place of intrastate business in the state of Washington.

Section 18. Amendment of Subsection. RMC 5.10.010, License Required, is hereby amended to read as follows:

5.10.010 License required.

It is unlawful for any person, firm or corporation to engage in the business of pawnbroker within the city without first obtaining a license pursuant to the provisions of this chapter. The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 19. Amendment of Subsection. RMC 5.12.020,
Additional Business License Requirement for Private Detective
Agencies, is hereby amended to read as follows:

**5.12.020 Additional business license requirement for private
detective agencies.**

Any person who applies for a business license for a
private detective agency must, in addition to meeting the
requirements of Chapter 5.04, provide directly to the city
finance director [~~WITH~~] evidence that the person has a current
state of Washington private detective agency license pursuant
to RCW Chapter 18.165. Copies of state licenses for the
private detective agency [~~SHALL~~] must be filed with the city
finance director [~~AT THE TIME OF~~] before the city business
license application can be approved.

Section 20. Amendment of Subsection. RMC 5.12.030,
Additional Business License Requirement for Private Security
Companies, is hereby amended to read as follows:

**5.12.030 Additional business license requirement for private
security companies.**

Any person who applies for a business license for a
private security company must, in addition to meeting the
requirements of Chapter 5.04, provide directly to the city
finance director [~~WITH~~] evidence that the person has a current

state of Washington private security company license pursuant to RCW Chapter 18.170. Additionally, any individual employed as a private security guard by a private security company must possess a current state of Washington private security guard license. Copies of state licenses for the private security company ~~[SHALL]~~ **must** be filed with the **city** finance director ~~[AT THE TIME OF]~~ **before the city** business license application **can be approved.**

Section 21. Amendment of Subsection. RMC 5.16.010, King County Regulations Adopted by Reference, is hereby amended to read as follows:

5.16.010 King County regulations adopted by reference.

Chapter 6.64 of the King County Code entitled "**For-Hire Transportation - ~~[TAXIS]~~ Taxicabs, For-Hire Vehicles, For-Hire Drivers and Transportation Network Companies**", ~~[BUSINESSES AND DRIVERS,"]~~ including all future amendments, is adopted by reference as if set forth in full herein; provided, that any references to unincorporated King County in Section~~[S]~~ 6.64.010 ~~[AND 6.64.020,~~] as well as any other sections pertaining to the application of the ordinance codified in this chapter, shall be changed to refer to the City of Redmond.

Section 22. Amendment of Subsection. RMC 5.20.020, License Required - Fees - Payment, is hereby amended to read as follows:

5.20.020 License required - Fees - Payment.

(A) It is unlawful for any person, firm or corporation to operate or conduct a cabaret dance within the city without first having obtained and being the holder of a valid and subsisting license to do so, to be known as a "Cabaret Dance License." The fee for any such cabaret dance license shall be set by council resolution. The entire annual license fee shall be payable for the applicable calendar year regardless of when the application for license is made and shall not be prorated for any part of the year. Annual license renewals shall be payable in full on February 1st of each subsequent calendar year of operation. The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

(B) No license to conduct a cabaret dance shall be granted unless the applicant therefor is of good moral character.

Section 23. Amendment of Subsection. RMC 5.22.020, License Required - Fee - Renewals, is hereby amended to read as follows:

5.22.020 License required - Fee - Renewals.

(A) It is unlawful for any person to conduct a public dance within the city without first having obtained and being the holder of a valid and subsisting license for such activity, to be known as a public dance license; provided, however, that any holder of a valid and current cabaret license shall be exempt from the license provisions of this chapter. The annual fee for a public dance license shall be set by council resolution.

(B) The entire annual license fee shall be paid for the applicable calendar year regardless of when the application for license is made, and shall not be prorated for any part of the year. Annual license renewals shall be obtained and paid in full by February 1st of each calendar year.

(C) There shall be assessed and collected by the finance director an additional charge computed as a percentage of the license fee, on renewal applications not made, including payment of the required fee, on or before January 31st of each calendar year. The amount of said additional charge shall be set by council resolution.

(D) The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 24. Amendment of Subsection. RMC 5.36.030, License

Required, is hereby amended to read as follows:

5.36.030 License required.

It is unlawful for any person, firm or corporation to place for operation, or any person, firm or corporation to operate within the city any music box, as herein defined, without first having obtained and being the holder of a valid and subsisting license in accordance with the provisions of this chapter. The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 25. Amendment of Subsection. RMC 5.52.040, License

- Required, is hereby amended to read as follows:

5.52.040 License - Required.

(A) No person shall conduct, operate or maintain a public bathhouse without first obtaining a license as provided in this chapter.

(B) No person shall act as a public bathhouse attendant without first obtaining a license as provided in this chapter.

(C) The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 26. Amendment of Subsection. RMC 5.56.020, License

- Required, is hereby amended to read as follows:

5.56.020 License - Required.

It is declared to be essential to the public interest that no person shall be authorized or permitted to operate a tow truck business within the city limits of Redmond unless such person shall be the holder of a valid license to do so, issued by the city. The license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 27. Amendment of Subsection. RMC 5.60.030,

Franchise Required, is hereby amended to read as follows:

5.60.030 Franchise required.

No person may construct or operate a cable communications system within the rights-of-way of the city without a properly granted franchise awarded pursuant to this chapter, which franchise must be in full force and effect. To the extent permitted by law, all requirements herein with respect to or connected directly or indirectly a cable system shall also apply to an OVS franchise and OVS system and any process related thereto. The franchises required by this chapter are separate from and in addition to the business

license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 28. Amendment of Subsection. RMC 5.68.070, License Required, is hereby amended to read as follows:

5.68.070 License required.

(A) It is unlawful for any person to operate an adult entertainment facility unless that person is the holder of a valid adult business license issued by the finance director under this chapter.

(B) It is unlawful for any person to work as a manager in an adult entertainment facility unless that person is the holder of a valid manager's license issued by the finance director under this chapter.

(C) It is unlawful for any person to work or perform as an entertainer in an adult entertainment facility unless that person is the holder of a valid entertainer's license issued by the finance director under this chapter.

(D) It is unlawful for any person to work or perform as an escort unless that person is the holder of a valid entertainer's license issued by the finance director under this chapter.

(E) It is unlawful for any person to work or perform as a nude or semi-nude model in an adult entertainment facility

unless that person is the holder of a valid entertainer's license issued by the finance director under this chapter.

(F) It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work as a manager at the adult entertainment facility unless that person is licensed as a manager under this chapter.

(G) It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as an entertainer at the adult entertainment facility unless that person is licensed as an entertainer under this chapter.

(H) It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as an escort unless that person is licensed as an escort under this chapter.

(I) It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as a nude or semi-nude model unless that person is licensed as a nude or semi-nude model under this chapter.

(J) The licenses required by this chapter are separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.

Section 29. Amendment of Subsection. RMC 5.75.030,
Telecommunications Business License Required, is hereby amended to
read as follows:

5.75.030 Telecommunications business license required.

(A) All cable operators, telecommunications carriers,
and telecommunications providers who offer or provide any
cable service or telecommunications service for a fee
directly to the public, either within the city, or outside
the corporate limits, from cable or telecommunications
facilities within the city shall, on an annual basis, apply
for and obtain a telecommunications business license and
occupation registration from the city pursuant to this
chapter on forms to be provided by the city, which shall
include the following:

(~~A~~1) The identity and legal status of the applicant,
including any affiliates;

(~~B~~2) The name, address, telephone number, and title of
the officer, agent or employee responsible for the accuracy
of the telecommunications business registration application
statement;

(~~C~~3) A description of applicant's existing or proposed
facilities within the city;

(~~D~~4) A description of the service that the applicant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the city, or to those outside the city limits using facilities located within the city;

(~~E~~5) Information sufficient to determine whether the applicant is subject to the public way permitting and/or franchising requirements imposed by Chapters 5.60 and 12.14 RMC;

(~~F~~6) Information sufficient to determine whether the transmission, origination or receipt of the services provided or to be provided by the applicant constitutes an occupation or privilege subject to any municipal telecommunications tax, utility tax or other occupation tax imposed by the city;

(~~G~~7) Information sufficient to determine that the applicant has applied for and received any certificate of authority required by any federal or state agency to provide telecommunications services or facilities within the city; and

(~~H~~8) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the

Federal Communications Commission to provide services or construct facilities within the city.

(B) All persons required to obtain the license issued under this chapter must comply with RMC 12.14.030 and also obtain a city business license issued under Chapter 5.04 RMC.

Section 30. Amendment of Subsection. RMC 5.80.030, License

Required, is hereby amended to read as follows:

5.80.030 License required.

(~~1~~**A**) The operators of all existing shooting sports facilities shall apply for an operating license no later than three months from the effective date of this chapter. If an operating shooting facility is annexed to the City of Redmond, the shooting facility operator shall apply for an operating license no later than three months from the effective date of the annexation. **The operating license required by this chapter is separate from and in addition to the business license issued under Chapter 5.04 RMC, which may also be required when applicable.**

(~~2~~**B**) The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. The application shall be made

on a form prescribed by the administrator and shall include all of the following information:

(~~a~~1) The name, address, and telephone number of the person completing the application;

(~~b~~2) The name, address, and telephone number of the facility;

(~~c~~3) The names, addresses, and telephone numbers of all owners of the facility. If the owner is a partnership, the names, addresses and telephone numbers of all partners. If the owner is a corporation, the names, addresses and telephone numbers of all corporate officers;

(~~d~~4) The name, address, and telephone number of a designated contact person to whom all licensing correspondence, including any notices and complaints provided for in this chapter, shall be sent. It is the responsibility of the shooting sports facility to keep this contact information updated in writing throughout the duration of any license and the owners and operators agree, by submitting an application and obtaining a license, that notice to the contact person at the last address provided to the administrator in writing is proper notice to the owners and operators of the facility;

(~~e~~5) The shooting types allowed or proposed to be allowed at the facility;

(~~f~~6) *Repealed by Ord. 2485;*

(~~g~~7) *Repealed by Ord. 2485;*

(~~h~~8) Whether use of the facility will be open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above;

(~~i~~9) The site plan required by RMC 5.80.080 (A) (3) showing the location of all buildings, parking areas, and access points; safety features of the facility; elevations of any outdoor range showing target areas, backstops or butts; and the approximate location of buildings on adjacent properties;

(~~j~~10) The notarized certification required by subsection (3) of this section;

(~~k~~11) The operations plan required by RMC 5.80.080 (A) (4);

(~~l~~12) The applicant shall pay the non-refundable application fee and license fee established by this chapter at the time of application; and

(~~m~~13) Proof of liability insurance coverage in the amount required by RMC 5.80.080(A)(20) shall be submitted with the license application.

(~~3~~C) Every application for a shooting sports facility operating license shall be accompanied by a notarized certification by the shooting sports facility operator that the facility complies with this chapter, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

(~~4~~D) After receipt of an application for a shooting sports facility operating license, the administrator will make a determination as to whether or not such application is complete. If the application is not complete, the applicant shall be so notified and the application shall not be processed further until such time as the applicant completes it. When the application is complete, the administrator will forward copies of the same to the public safety authority, the City of Redmond Planning and Community Development Department, and any other city department or city personnel deemed appropriate by the administrator in order to determine whether the shooting sports facility meets the requirements of this chapter and any other applicable city ordinance or

regulation. Each consulted department or staff member shall review the application for compliance with regulations administered by that department or staff member and shall forward a report to the administrator containing the results of that review. The administrator may request additional information from the license applicant as necessary to review the license application; provided, that such additional information is solely of a type required for clarification of responses to subsections (2)(a) through (2)(m) and (3) of this section.

(~~5~~E) By applying for and as a condition of issuance of a shooting sports facility operating license, the shooting sports facility operator agrees to permit representatives of the public safety authority and any other appropriate city personnel to enter the facility at all reasonable times in order to perform site inspections in regard to licensure or any public safety concerns. Prior notification of such inspections will be given to the operator when reasonably possible.

(~~6~~F) The administrator shall issue a shooting sports facility operating license upon determining that the facility meets the requirements of this chapter and other applicable city ordinances and regulations. The administrator shall make

that determination after receiving the reports of the public safety authority and other consulted city departments and city personnel and only if the public safety authority and such consulted departments and personnel determine that the application and the facility are in full compliance with this chapter and any other applicable city ordinances or regulations. The license shall ordinarily be issued within thirty days of the filing of a complete application. Failure to issue the license within the thirty-day period shall not, however, mean that the license is approved. In the event that the administrator is unable to issue the license within the thirty-day time period, the administrator shall provide a report to the license applicant stating the reasons why the license will not or has not been issued within the prescribed time. The report shall also provide an estimate of time for completion of the licensing process.

(~~7~~G) The shooting sports facility operating license issued under this chapter shall authorize only those shooting types that have been specifically applied for and that are identified in the license. The addition of new shooting types or the addition of a new range or ranges for existing shooting types at a shooting sports facility shall require amendment of the existing license before any such new shooting type is

allowed. This section shall not relieve the applicant of any obligation to obtain any other required business license, land use, fire safety, or building permits or approvals, except shooting sports facilities in operation prior to the effective date of this chapter shall not be required to seek new land use, fire safety or building permits solely for issuance of a license. All facilities licensed under this subsection must conform to or abide by the City of Redmond's business license requirements as described in Chapter 5.04 RMC.

(~~§H~~) This chapter shall not apply to shooting sports facilities owned or operated by any instrumentality of the United States, State of Washington, or a political subdivision of the State of Washington.

Section 31. Amendment of Subsection. RMC 12.14.030, Business License Required, is hereby amended to read as follows:

12.14.030 Business License Required.

A City of Redmond Business License as issued under the provisions of Chapter 5.04 RMC, [~~SHALL BE~~] is required, and all other terms and conditions of this Chapter must be adhered to by all Telecommunications providers.

Section 32. Severability. 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 33. Effective date. This ordinance shall become effective March 18, 2021, after a publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this _____ day of _____, 2021.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.