

ORDINANCE NO. 2019-_____

AN ORDINANCE amending the City of Yakima Municipal Code Section 5.01.06 entitled Business license—Denial, revocation, or refusal to renew—Grounds—Appeals

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 5.01.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.01.060 Business license—Denial, revocation, or refusal to renew—Grounds—Appeals.

A. The code administration manager, or his or her designee, has the power and authority to deny, revoke or refuse to renew any business license issued under the provisions of this title in order to further the public interest in public health, safety and welfare. The code administration manager, or his or her designee, shall provide notice to said licensee in writing by certified mail of the denial or revocation of, or refusal to renew, his or her license and on what grounds such a decision was based. The code administration manager may deny, revoke or refuse to renew any license issued under this title upon a finding that any applicant, licensee, owner, or any officer or agent thereof:

1. Has omitted to disclose any material fact necessary to make a statement not misleading in any application for the license; or
2. Has charges pending against her/him or has been convicted of a crime or offense that directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than ten years; or has been convicted of several crimes including at least one within the last ten years; provided, however, that any licensee whose license is revoked because of charges pending against her/him may engage in the activity for which the license is required, pending a final decision on the charges; or
3. Has been subject to an adverse finding in any judgment or order which directly relates to the activity for which the license is required in any judicial or administrative proceeding in which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the licensee-applicant is proven, and the time elapsed since the judgment or order is less than ten years; or
4. Has violated or failed to comply with any applicable provisions of this code or rule or regulation prescribed under this title; provided, that failure to obtain a license shall not be grounds for license denial; or
5. Is in default in any payment of any fee, assessment, or tax required under YMC Title 3 or 5, or required under any parking and business improvement area established pursuant to RCW 35.87A; or

6. Has been subject to an adverse finding in any judgment or order in any judicial or administrative proceeding for violation of any provision of a city ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and that is applicable to the licensed activity or licensed premises; or
7. Has been determined to have discriminated against any person because of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap in the course of licensed activity, in violation of a city ordinance, law, rule or regulation prescribed thereunder; or
8. Has violated or failed to comply with any final order of the code administration manager or hearing examiner; or
9. Has failed to complete the application for a license as required by this code; or
10. Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or
11. Has failed to comply with RCW Chapters 49.12 and 28A.28, and rules and regulations promulgated pursuant thereto, regarding employment of minors; or
12. Any licensee has permitted or authorized his/her agent to violate or fail to comply with any provision of this code; or
13. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in YMC Chapter 11.45.

B. No license issued under YMC Title 5 shall be revoked, denied or refused renewal by the code administration manager except in accordance with the procedure and on the grounds provided in this title. Parties aggrieved by the code administration manager's decision to revoke, deny or refuse renewal of a license issued under this title shall have the same opportunity for appeal, under the same procedure as is described in YMC 5.52.120.

The period of denial, revocation or nonrenewal shall be at least one year, and the licensee or any person (as defined in YMC 5.52.020) in which the licensee is a principal shall not again be licensed during such period.

C. Appeals. The applicant may appeal the decision of the code administration manager to deny, revoke or refuse to renew a business license. An appeal of the administrative official's decision shall be to the legislative body in accord with the process and procedure set forth in YMC 15.16.040 and 15.16.050. Decisions of the legislative body may similarly be appealed to the Yakima County superior court in accord with the process and procedure set forth in YMC 15.16.060.

The filing of an appeal shall not stay any actions of the administrative official denying, revoking or refusing to issue a business license associated with the business license decision being appealed. (Ord. 2010-18 § 2, 2010).

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 17th day of September, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____