

17. a. BUSINESS REGISTRATION

STAFF REPORT \_\_\_\_\_

QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

DISCUSSION \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

NOTES:

17. b. RENTAL REGISTRATION

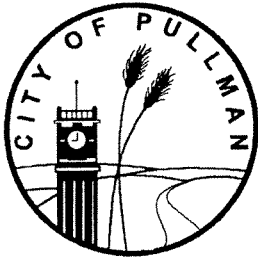
STAFF REPORT \_\_\_\_\_

QUESTIONS FROM COUNCIL ON STAFF REPORT \_\_\_\_\_

DISCUSSION \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

NOTES:



# CITY OF PULLMAN

## Administration/Finance

325 S.E. Paradise Street, Pullman, WA 99163

(509) 338-3208 Fax (509) 334-2751

[admin@pullman-wa.gov](mailto:admin@pullman-wa.gov)

### MEMORANDUM

TO: Mayor and Council

FROM: Laura D. McAloon, City Attorney

RE: Business Registration and Rental Registration Discussion

DATE: August 5, 2008

Based on the guidelines and direction provided to staff on May 20, 2008 following a series of Council discussions on business registration and landlord registration, I have prepared two draft ordinances for your review. Should you concur, these ordinances will be presented to the Council in final form at the August 26, 2008 Council meeting for final action and adoption.

#### Business Registration

The proposed ordinance establishes a commercial business registration requirement and provides for the processing of all such registrations through the State Master Licensing Services. Home occupations are not included in the definition of a commercial business, nor are persons who own and self-manage rental properties as an investment. Property management companies would be covered by the business registration requirement. The registration of residential rental properties has been removed from this draft and is addressed separately via another ordinance for the purpose of clarity since the Council directed that a separate registration method be used for these rental properties.

As discussed, the penalty for the violation of this new chapter is the penalty for a Class 1 civil infraction, currently set by the Council at \$250.00. Second or subsequent citations are punishable by a penalty of two times the Class 1 penalty.

#### Residential Rental Unit Registration

The proposed ordinance requires all owners of residential rental properties to register with the Police Department in order to offer such properties for rent within the City. Registration is required of every rental unit that has a street address assigned by the City. Information required of a rental property owner includes the owner's name and contact

information, a property manager's name and contact information, at least one emergency contact person, and the anticipated number of occupants of the unit. The anticipated number of occupants will provide emergency response personnel with important response information in the event of a fire or other structural emergency.

In addition to identifying a property manager for emergency and statutory notification purposes, Owners may also designate in writing an authorized property manager to complete and renew registrations on the Owner's behalf.

This ordinance is written so as to require any "Person" renting residential property to the public to register the owner and address with the City. "Person" is defined to include a property management company designated by the owner. This language imposes a dual obligation on both Owners and property management companies to ensure that the rental property is registered with the City. Thus, when a management company contracts with a property owner to manage a property, the owner and manager should determine which of them is going to handle the registration of the property and, if desired, prepare a writing that authorizes the manager to handle the registration (or renewal) on behalf of the owner.

Based on the Council's prior direction, I used the same violation and penalty provisions in the Residential Rental Unit Registration ordinance as I used in the Commercial Business Registration ordinance.

#### Fees

Fees for both of these registration programs will be as established by the City Council in a Fee Resolution. Although there was a proposal discussed at the May 20<sup>th</sup> meeting to set the Residential Rental Unit Registration fee on a per owner instead of per address basis, there was no consensus direction from the Council on this proposal. Mr. Woo's memo sets forth staff's concerns with such a fee schedule in light of the Council's direction to administer the entire rental registration system in-house and not through the State MLS system. Finance Director Troy Woo's memo addresses his recommendations and analysis of the fees proposed by City staff.

Upon direction from the Council tonight, I will prepare a standard Fee Resolution and the finalized ordinances for action at the August 26, 2008 Council meeting.

# Memo

**To:** City Council, Mayor and City Supervisor  
**From:** Troy Woo, Finance Director *TW*  
**Date:** August 1, 2008  
**Re:** Business and Landlord Registration Fees

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The difficulties of developing a cost-benefit analysis for the business registration have been discussed at past City Council meetings. The difficulties remain because there are still a number of unknowns such as the volume of registrations that will require processing and the staff time needed to administer the program. Staff has suggested that the initial fee be established at \$20 per year, per location and that the fee be evaluated one year after implementation when more information is available.

When comparing the proposed \$20 per year fee to other eastern Washington cities that require a business license and the cities that partner with the MLS, the proposed \$20 annual fee is at the low end of the spectrum. The MLS partners' fees range from \$13 to \$75 and average \$40. Fees for eastern Washington cities ranged from \$13 to \$1,286.

My initial thought regarding the proposed \$20 per year fee is that the \$20 fee will cover the processing costs related to the MLS processed applications, but will not cover the processing costs for the in-house landlord registration applications. The following is a list of duties that can be expected for the in-house registrations:

- Mailing the renewal notices and applications
- Reviewing the application for completeness
- Data entry or updating SPILLMAN database
- Approving, processing, and delivering completed registrations
- Processing the application fee
- Increased departmental deposit processing
- Potential for processing NSF checks

- Customer contacts relating to incomplete applications
- Database maintenance
- Refund checks
- Fielding applicant questions and assisting with applications
- Credit card discount fees when electronic payments are implemented

The partnership with the Washington State MLS eliminates the majority of these duties. In the partnership, the MLS gathers the registration information, issues the license/registration, and forwards the information and city registration fees to the partner cities. There will be other duties with certain registrations, but in general the MLS administers the majority of the program functions.

Recognizing that the renewals should not be as labor intensive, staff is recommending that a lower fee apply to renewal applications. Staff suggests a \$10 annual renewal fee. Again, this is a preliminary estimate of the costs and staff suggests reviewing the renewal fee after the first year of implementation. I have the same initial thoughts regarding the cost recovery for renewals. It should cover the MLS registration costs, but it likely will not cover the cost for the in-house landlord registration costs.

To put the \$20 initial and \$10 renewal fee in perspective, I have developed an example of the per unit impact to a landlord that owns 20 duplexes.

	<b><u>Initial Registration Fee/Location</u></b>	<b><u>Total Registration Initial Fee</u></b>	<b><u>Annual Initial Cost per Unit</u></b>	<b><u>Monthly Initial Cost per Unit</u></b>
20 Duplexes	\$ 20.00	\$ 400.00	\$ 10.00	\$ 0.83
	<b><u>Renewal Registration Fee/Location</u></b>	<b><u>Total Registration Renewal Fee</u></b>	<b><u>Annual Renewal Cost per Unit</u></b>	<b><u>Monthly Renewal Cost per Unit</u></b>
20 Duplexes	\$ 10.00	\$ 200.00	\$ 5.00	\$ 0.42

Staff recognizes the concerns that have been raised about the fee equity comparison of the smaller landlords to the larger corporate-owned properties. There have been suggestions by both the public and City Council members to apply the cost on an owner basis instead of a per location basis. Staff still recommends that the fee apply to each location. Applying the fee to the locations more closely matches the workload of the Police Department staff. Regardless of how the fee is applied, the Police Department staff will have to process the information on a per location basis. A per location fee also appears to be the most equitable for the majority of situations. If the landlords are charged one time for all of their locations, then the landlord who owns a single rental property will be paying the same as the medium-sized landlords and the large corporate landlords. In addition, the cost of processing will likely be much higher than \$20. As with any fee or rate there will be someone whose situation doesn't fit well with the fee structure.

# Pullman Police Department

Serving our Community

260 SE Kamiaken  
Pullman, Wa. 99163  
Tel: 509-334-0802  
Fax: 509-332-0829

## Landlord / Rental Property Business Registration

Business Name; \_\_\_\_\_

Physical Address; \_\_\_\_\_

City; \_\_\_\_\_ State; \_\_\_\_\_ Zip; \_\_\_\_\_

# of units associated with this Business/Address \_\_\_\_\_

Mailing Address (if different)

City; \_\_\_\_\_ State; \_\_\_\_\_ Zip; \_\_\_\_\_

\*\*\*\*\*

Owner;

Last Name; \_\_\_\_\_ First; \_\_\_\_\_ Middle \_\_\_\_\_

Date of Birth; \_\_\_\_\_

Physical Address; \_\_\_\_\_

Mailing Address (if different)

\_\_\_\_\_

City; \_\_\_\_\_ State; \_\_\_\_\_ Zip; \_\_\_\_\_

In case of emergency, persons to call, in order of preference: (Please provide full name, including middle initial and date of birth.) This information goes into a master name file and is for our records and identifying purposes only.

1<sup>st</sup> Contact;

Last Name; \_\_\_\_\_ First; \_\_\_\_\_ Middle \_\_\_\_\_

Date of birth; \_\_\_\_\_

Address; \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_

Phones; Wk \_\_\_\_\_ Hm \_\_\_\_\_ Cell \_\_\_\_\_

2<sup>nd</sup> Contact;

Last Name; \_\_\_\_\_ First; \_\_\_\_\_ Middle \_\_\_\_\_

Date of birth; \_\_\_\_\_

Address; \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_

Phones; Wk \_\_\_\_\_ Hm \_\_\_\_\_ Cell \_\_\_\_\_

3<sup>rd</sup> Contact;

Last Name; \_\_\_\_\_ First; \_\_\_\_\_ Middle \_\_\_\_\_

Date of birth; \_\_\_\_\_

Address; \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_

Phones; Wk \_\_\_\_\_ Hm \_\_\_\_\_ Cell \_\_\_\_\_

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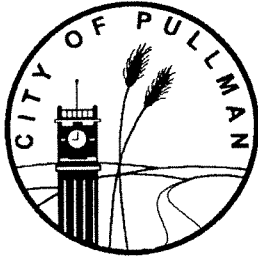
In the event that an arrest or seizure involving the following violation (s) is made at one of your rental properties, the Pullman Police Department is to notify the owner as per RCW 59.18.075

- \*Arrest of tenant using or threatening to use a firearm or other deadly weapon against another tenant.
- \*Other unlawful use by a tenant of a firearm or other deadly weapon on the rental premises.
- \*Physical assault of another person by a tenant on the rental premises.
- \*Seizure of a Legend Drug pursuant to a violation of Chapter 69.41 RCW.
- \*Seizure of a Controlled Substance pursuant to a violation of Chapter 69.50 RCW.
- \*Seizure of an Imitation Controlled Substance pursuant to a violation of Chapter 69.52 RCW.

In the event that such a violation should occur please advise whom you would like notified:

Please notify the owner at address on page one; \_\_\_\_\_

Please notify a member of my management team; contact # \_\_\_\_\_



# CITY OF PULLMAN

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### MEMORANDUM

TO: Mayor and City Council

FROM: <sup>VA</sup> John Sherman, City Supervisor

RE: Business Registration History

DATE: August 7, 2008

As we near the final decision making process on the business registration issue, I think it is important once again to provide a historical overview of the issue. The following information is being presented to summarize what has transpired over the years.

In 1982 the City Council was considering the adoption of a Green River Ordinance. Under this ordinance, commercial vendors would be prohibited from direct door-to-door solicitation. Prior contact, such as by phone, would have to be obtained before a vendor could knock on a door. At the time it was noted that the city of Pullman had only a very limited requirement for any business licensing. Since the city of Pullman did not have a general business licensing system in place, the recommendation at the time was to eliminate the licensing requirement for the few businesses that were required to obtain a business license and to explore the creation of a general business licensing requirement. The minutes of the City Council meeting from December 7, 1982 state:

Mayor Butkus announced that the Council is asked to review for a final time the staff recommendations on the repeal of business licenses for Barber and Beauty Shops, Dancing in Restaurants, Bowling Alleys and Pawnbrokers, Transient Auctioneers, Circuses, Theaters, Moving Pictures Shows and Skating Rinks, and Mobile Home Parks. Also the Council is asked to review the proposed "Green River Ordinance". City Supervisor Sherman and City Attorney Harlan provided the staff report. Councilmember Bush stated that there should be a record available of who is doing business in the City of Pullman. City Attorney Harlan stated that early in 1983 the Council would be asked in a workshop session to discuss the pros and cons of a general business license or registration.



Councilmembers Koppe, Helm and Farmer asked questions concerning the regulation of mobile home parks. At the conclusion of the discussion session, the Council by consensus directed that the proposed group of repealers and the new "Green River Ordinance" be placed in the Consent Agenda for the December 14 regular meeting.

As you can see from the minutes, three things are very clear. First, the business license requested to be repealed only applied to a very limited number of businesses. Secondly, support for the repeals was based upon the City Council discussing requiring general business licensing in the future. Third, solicitors were to be regulated under the Green River ordinance.

The City Council did subsequently adopt the Green River ordinance. It remained in effect in Pullman for years until it had to be repealed as a result of a federal court ruling that it was unconstitutional.

With respect to general business licensing requirements, there have been many discussions over the years. As a result of the aforementioned 1982 repeal of certain limited business licensing requirements, the City Council discussed general business licensing in 1983. Rather than enacting a general business licensing requirement at the time, the City Council instead opted to address the issue by adopting a City Council goal that stated:

Encourage the Chamber of Commerce to compile a list of available businesses.

Following failed attempts by the Chamber of Commerce to create and maintain a comprehensive current listing of all businesses in Pullman, in 1996 the City Council adopted a new goal addressing the issue that stated:

Conduct a workshop on business licensing. Review the city's home occupation regulations during the workshop. A business licensing program would help the fire department to identify businesses with fire exposures including home businesses with fire exposures including home businesses which have a kiln in their basements. Craft fair participants could be required to have a day license. The business licensing program should also include those who own apartments. Solicitors would also be required to be licensed.

As you will note from this 1996 adopted City Council goal, the City Council was interested at the time in creating a general business licensing program that also included home occupations, solicitors, and rental units. In the end this goal was not implemented.

In 2002 the City Council revisited the issue again. This time the City Council opted to adopt a similar approach as in 1983 by requesting someone else to compile the listing. The 2002 goal stated:

Explore requiring business registration with Whitcom in order to provide emergency contact information.

The Whitcom attempt failed for the same reason the earlier Chamber of Commerce listing failed. Some businesses provide the information but not all businesses do.

Due to the failure of the Whitcom attempt, in 2007 the City Council adopted a goal that stated:

Explore implementing a business registration program, including rental housing, so that the city can obtain needed emergency contact information and charge only a fee that will cover the administrative expenses of the business registration program.

In depth discussions of the business registration issue took place at the City Council meetings on September 26 and November 27. At the City Council meeting on January 8, 2008, the City Council opted to separate the business registration and rental inspection issues. The proposal to require rental properties to register was discussed at the public meeting on rental inspections on March 4. The public meeting on business registration was held on April 8.

At the City Council meeting on April 22 the City Council formally adopted a 2008 City Council goal that stated:

In the interest of public safety, continue to explore the creation of a business registration program that includes rental housing and continue to pursue options with WSU relating to the creation of an off-campus housing office.

The purpose of the May 6 City Council discussion was to discuss the draft business registration ordinance. The draft ordinance that was presented to you at the May 6 City Council meeting reflected the direction from your April 8 City Council meeting to (1) partner with the state Master License Service program, (2) charge a \$20 local fee, (3) include home occupations, (4) exempt owner-occupied rental properties, and (5) include penalties for noncompliance.

At the May 6 meeting you rejected the new proposal to require rental properties to register through the Master License Service program. You also expressed strong concern that we collect only information pertaining to the ownership of rental units and the emergency contact information.

The issue of business registration was again discussed at the City Council meeting on May 20, 2008. At the conclusion of the discussion, the City Council provided City Attorney Laura McAloon with guidelines on how to craft the Business Registration

ordinance for future discussion. The City Council also directed that the Itinerant Business ordinance be expedited for adoption.

On June 24, 2008, the City Council adopted the Itinerant Business ordinance. The revised Business Registration ordinance is being presented for final discussion at the August 12<sup>th</sup> meeting. If you concur, we plan to present the ordinance for formal adoption at the City Council meeting on August 26.



ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 6, LICENSES AND TAXATION, ADDING CHAPTER 6.95, BUSINESS REGISTRATION, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City Council has considered the benefits of creating a business registration program for the public safety purposes of obtaining emergency contact information and mandatory reporting under certain state laws; and

WHEREAS, the City Council has determined it is in the best interests of the residents of Pullman to implement business registration for all Commercial Businesses within the City;

NOW, THEREFORE, the City Council of the City of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 6.95 to the Pullman City Code entitled Commercial Business Registration.

Section 2: There is hereby added a new section 6.95.010 to the Pullman City Code to read as follows:

6.95.010 Purpose. The purpose of this chapter is to provide for a means of obtaining public safety and emergency contact information on existing and new Commercial Businesses in the City, and to assist in the effective administration of the City's obligations under state and local laws.

Section 3: There is hereby added a new section 6.95.020 to the Pullman City Code to read as follows:

6.95.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

- (1) "Commercial Business" means all kinds of vocations, occupations, professions, enterprises, establishments, industries, services and all other kinds of activities and matters that require registration or licensing

with the state of Washington or are conducted on any premises in the city of Pullman. Commercial Business also mean activities and matters conducted by public, charitable, educational, literary, fraternal or religious organizations within the city of Pullman. It does not include persons conducting garage sales upon their residential real property, wholesale distributors selling products to businesses within the City unless said distributor has an office, warehouse or other business establishment located within the City or individuals who invest own self-manage residential rental properties.

- (2) "City" means the City of Pullman.
- (3) "Engaged in business" means commencing, conducting or continuing in Commercial Business or carrying on any form of activity for gain, profit, or advantage, whether direct or indirect, within the City.
- (4) "Registration" or "licensee," as used generally in this chapter, means and includes respectively the words "permit" or "permittee" or the holder for any use for a period of time of any similar privilege, whether relevant to any provision of this chapter or other law or ordinance.
- (5) "Person" includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, limited liability company, individual receiver, assignee, trustee in bankruptcy, trust, estate, joint venture, company, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

- (6) "Premises" means and includes all lands, structures and places at a single physical location, and also any property which is either affixed to, or otherwise used in connection with the business conducted on such premises.
- (7) "City Supervisor" means the Pullman City Supervisor or his or her appointed designee.
- (8) "Nonresident business" means a Commercial Business with a place of business located outside the borders of the City of Pullman and that provides services within the City limits that require registration of the business with the City.

Section 4: There is hereby added a new section 6.95.030 to the Pullman City Code to read as follows;

6.95.030 Commercial Business Registration Required. Unless exempted in this chapter, no person shall engage in any Commercial Business within the City without first having obtained from the City a valid and current business Registration to carry on that business. This registration shall be in addition to any other registrations or permits required by State or Federal laws. Commercial Business Registrations are nontransferable. Each of the business premises must be registered separately even if the individual businesses are owned by the same person. Each business owned by a different person must be registered separately even if co-located at the same premises as another business.

Section 5: There is hereby added a new section 6.95.040 to the Pullman City Code to read as follows:

6.95.040 Exemptions.

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

- (a) Minors doing business or operating a business concern where no other person is employed by the minor;
  - (b) The United States or any instrumentality thereof and the State of Washington or any municipal subdivision thereof;
  - (c) Persons engaged in the delivery of newspapers or periodicals to which the recipient subscribes;
  - (d) The casual sale of personal property where the person selling the item is not regularly engaged in the business of selling said item(s), i.e., garage sales or bake sales;
  - (e) Sales by farmers or home gardeners of produce raised and harvested exclusively upon lands owned or leased for the raising of produce or fruit;
  - (f) Temporary craft booths or food booths lasting five (5) days or less in any one location, provided this exemption shall not apply to itinerant vendors as defined in P.C.C. 8.95.010.
- (2) The registration fee portion of this chapter shall not apply to:
- (a) Fraternal benefit associations or societies as defined in RCW 48.36A.010;
  - (b) Nonprofit religious organizations;
  - (c) Nonprofit organizations, associations, clubs, or corporations that are registered as such with the Washington Secretary of State.

Section 6: There is hereby added a new section 6.95.050 to the Pullman City Code to read as follows:

6.95.050 Issuance of Registrations Procedure and Fees.

- (1) As of January 1, 2009, registration with the City of Pullman shall be required of all Commercial Businesses



within the City. Commercial Businesses existing before that date must be registered with the City on or before January 1, 2009, and with that registration shall be allowed to continue in the City, notwithstanding any other provisions in this chapter. Identification and registration of Commercial Businesses existing before January 1, 2009, shall be coordinated with the Washington State Department of Licensing Master License Service.

- (2) Every person wishing to conduct a Commercial Business in the City of Pullman after December 31, 2008, and required to procure a Registration under the provisions of this chapter shall make application for a Commercial Business Registration, and receive approval from the City, before commencing business in the City. An application for a Commercial Business Registration shall be accomplished by filing a completed Master Business Application with the Washington State Department of Licensing Master License Service. In all instances, the application filing shall include payment of all fees due as established by the City Council. Businesses registering through the Master License Service shall also pay the handling fee authorized by RCW 19.02.075. The applicant shall be required to provide all information requested on said form and failure to do so shall be grounds for refusing to issue the City business registration. In addition, the City Supervisor or his/her designee, from time to time, may request from a person holding a City Commercial Business Registration that they supply to the City an update of the information that was given on the

original Registration application. Failure to supply said update as requested shall be sufficient grounds for revocation of the City Commercial Businesses Registration.

- (3) The Master License Service will issue a Registrations and Licenses document to an approved business, imprinted with the proof of an approved registration with the City. The Licenses and Registrations document must be conspicuously posted at the place of business identified on the document.

Section 7: There is hereby added a new section 6.95.070 to the Pullman City Code to read as follows:

6.95.060 Change of Place of Business. When the place of business of a person required to obtain a registration under this chapter is changed, the person shall inform the Master License Service of the change, in coordination with Permit Services. A change of place of business must be approved by the City before commencing business at the new location. A change of location may require the filing of a new Master Business Application with the Master License Service and payment of application fees. Upon approval of the new business location by the City, a new Registrations and Licenses document shall be issued for the person's new place of business.

Section 8: There is hereby added a new section 6.95.080 to the Pullman City Code to read as follows:

6.95.070 Ownership Change Registration Not Transferable. When a registered business changes ownership, the Registration of the previous owner may not be transferred to the new owner. The new owner shall apply for a Registration for that place of business by filing a Master Business Application with the Master License Service, in coordination with Permit Services.

Section 9: There is hereby added a new section 6.95.080 to the Pullman City Code to read as follows:

6.95.080 Registration Renewal. A Commercial Business Registration issued by the Master License Service shall expire on the date established by the Master License Service and a person shall renew the Commercial Business Registration through the Master License Service on or before the expiration date in order to continue to engage in business within the City after that date. All businesses must pay a renewal fee as set forth in the current fee resolution, as well as the Master License Service handling fee authorized by RCW 19.02.075 where applicable. The term of registration and the annual City fee amount may be prorated in order to conform the registration expiration date with an expiration date previously established by the Master License Service for the business. Persons not renewing their Commercial Business Registration by the expiration date are subject to a late renewal penalty fee charged by the Master License Service as authorized by RCW 19.02.085 or as established by the City.

Section 10: There is hereby added a new section 6.95.090 to the Pullman City Code to read as follows:

6.95.090 Enforcement. It is unlawful for any person either directly or indirectly to conduct any business for which a registration or permit is required by any regulation or ordinance of the City without a registration or permit therefore being first procured and kept in effect at all times as required by this chapter or other regulation or ordinance of the City. Any violation of this chapter shall, in addition to other penalties provided herein, be a Class 1 civil infraction. Subsequent violations after the issuance of a Notice of Infraction shall be punishable by two times the penalty for a Class 1 violation.

Section 11: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the City of Pullman.

PASSED by the City Council of the City of Pullman at a regular meeting held on the day \_\_\_\_\_ of \_\_\_\_\_, 2008.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

Summary Published: \_\_\_\_\_

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 6, LICENSES AND TAXATION, ADDING CHAPTER 6.98 RESIDENTIAL RENTAL UNIT REGISTRATION, AND OTHER MATTERS PROPERTY RELATED THERETO.

WHEREAS, the City of Pullman is charged with the protection of the public health, safety and welfare of all its citizens through the enforcement of state laws and local laws, including, but not limited to Pullman City Code (PCC) Title 2, "Building Code", PCC Title 3 "Fire Code", PCC Title 5, "Health and Sanitation", PCC Title 8 "Public Safety and Morals", PCC Title 9 "Animals", PCC Title 11, "Streets and Sidewalks", and PCC Title 17 "Zoning"; and

WHEREAS, the City of Pullman has certain duties, obligations and responsibilities for the prompt notification of property owners where police officers have investigated or cited persons for violation of certain State criminal statutes on rented premises; and

WHEREAS, the City of Pullman desires to maintain a database of current property ownership information and emergency contact information for certain residential rental properties located within the City in order to adequately comply the City's legal obligations under State and local laws; and

WHEREAS, the City of Pullman, through business registration has the ability to require the registration of residential rental properties in the City for public safety purposes and to protect the health, safety and welfare of all of the citizens of the city of Pullman; and,

WHEREAS, the City Council has conducted public meetings and received substantial amounts of testimony and evidence concerning the registration of residential rental units for the

benefit of promoting the health, safety and welfare of each citizen of the City of Pullman; and

WHEREAS, the City Council of Pullman, Washington has determined it is in the best interest of the health, safety and welfare of the citizens of the City of Pullman to require all owners of residential rental properties to register said properties with the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON DO ORDAIN AS FOLLOWS;

Section 1: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.010 Purpose. The purpose of this chapter is to provide for a means of obtaining public safety and emergency contact information on existing and new residential rental properties in the City, and to assist in the effective administration of the City's obligations under state and local laws.

Section 2: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

(1). "Authorized Property Management Representative" means a Person identified in writing by an Owner as authorized to manage and supervise one or more Residential Rental Units owned by a Person. An Owner shall promptly notify the City in writing of any change in the Owner's Authorized Property Management Representative. For purposes of accepting registration applications and for enforcement of this chapter, the City shall rely on the most current written identification of an Authorized Property Management Representative in the City's files.

(3). "City" means the City of Pullman.

(4). "Person" includes the singular and the plural and also means and includes any person, firm, corporation, association, partnership, limited liability company, individual receiver, assignee, trustee, trust, estate, joint venture, company, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. For purposes of this chapter, "Person" shall include an Authorized Property Management Representative identified in writing by an Owner.

(5). "Owner" means the legal owner of the real property on which any Residential Rental Unit is located.

(6). "Residential Rental Unit" shall mean any structure or part of a structure which is used as a home, residence or sleeping place by one, two or more persons maintaining a common household, and for which the City has assigned a street address. A Residential Rental Unit includes, but is not limited to, single family residences, duplexes, multiplexes, apartment buildings and mobile homes.

Section 3: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.030 Residential Rental Unit Registration Required.

- (1) No person shall make available for rent, or rent, lease, or let, to the public any Residential Rental Unit as defined in Section 6.98.020 of this title without first registering the Owner and the street address of the Residential Rental Unit with the Pullman Police Department as required by this title, unless exempted herein. An Owner of multiple Residential Rental Units shall separately register each Residential Rental Unit by its assigned street address.

- (2) The fees for registration and renewal shall be as set forth in the current fee resolution adopted by the City Council.
- (3) Residential Rental Unit registrations are non-transferable. When any Residential Rental Unit changes ownership, the new Owner shall register with the City within thirty (30) days of the closing date of the sale or transfer of the real property on which the Residential Rental Unit is located.
- (4) For purposes of completing the registration form, the Owner or an Authorized Property Management Representative shall provide the Pullman Police Department with the following information:
  - (a) Street address of Residential Rental Unit;
  - (b) Address, telephone and email contact information for the Owner;
  - (c) Where applicable, the address, telephone and email contact information for the Owner's Authorized Property Management Representative;
  - (d) A minimum of one (1) emergency contact name and 24 hour contact information for purposes of emergency notifications relating to the use or occupancy of the Residential Rental Unit;
  - (e) The maximum anticipated number of occupants of each Residential Rental Unit.

Section 4: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.040 Residential Rental Unit Registration - Exemptions.

The provisions of this chapter shall not apply to:

- (a) Property owners leasing or renting a Residential Rental Unit contained within a residential



structure which is also occupied by the owner as his or her primary residence; provided, this exemption shall only apply to structures consisting of two or fewer dwelling units.

- (b) Property owners leasing or renting a dwelling unit in a duplex residential structure where one of the duplex units is occupied by the owner as his or her primary residence.

Section 5: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.060 Registration Renewal. A Residential Rental Unit registration shall be valid for one (1) year from the date of registration and the expiration date shall be noted on the registration form. An owner or the owner's authorized property management representative shall renew the registration with the City on or before the date of expiration. Failure to renew a registration may result in the imposition of a late renewal penalty fee as established by the City.

Section 5: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.070 Violations. Failure to comply with any of the requirements of this chapter shall be a Class 1 civil infraction and shall be punishable by the imposition of a monetary penalty. Each person who violates or fails to comply with this chapter is guilty of separate code infractions for each and every day that the violation continues. Subsequent violations after the issuance of a Notice of Infraction shall be punishable by two times the penalty for a Class 1 civil infraction.

Section 6: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.080 Severability. If any provisions of this ordinance are declared unconstitutional, or the applicability

thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this ordinance and the applicability thereof to persons and circumstances shall not be affected thereby.

Section 7: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the city of Pullman. Owners or persons renting or leasing residential rental units to the public on the date upon which this ordinance takes effect shall have sixty (60) days to register their units with the City and shall not be subjected to any enforcement action during this initial registration period.

PASSED by the City Council of the city of Pullman at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SIGNED by the Mayor in Authentication and Approval Thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

Summary Published: \_\_\_\_\_