



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA**

Tuesday, July 7, 2026 – 7:00 PM ♦ City Hall – 10440 Dom Calata Way E ♦ Edgewood, WA
Meeting Link: <https://cityofedgewood-org.zoom.us/j/86916509308>

1. CALL TO ORDER

Roll Call, Pledge of Allegiance

2. INTERVIEWS

A. Planning Commission — Positions 1 and 3 with terms ending June 30, 2028

B. Economic Development Advisory Board — Position 5 with a term ending June 30, 2028

3. COUNCIL BUSINESS

A. Equity, Diversity, and Inclusion Council Sub-Committee Update

B. Home Business and License Code Updates

4. COUNCIL COMMENTS

5. ADJOURN

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.



**City Of Edgewood
Council Agenda Summary Sheet**

Subject: Equity, Diversity, and Inclusion Council Sub-Committee Update	Agenda Item #: 3.A
	For Agenda of: 7/7/2026
	Prepared by:
Attachments (list):	
Approval of Materials:	Expenditure Required:
Rachel Pitzel, Assistant City Administrator 06/29/2026	Amount Budgeted:
Dave Olson, Mayor 06/29/2026	Timeline: Topic to be added to all future Study Sessions (see item history below)

Summary Statement:

Item History:

The council has asked that this topic be discussed at all study sessions for the foreseeable future. As such, this has been a reoccurring agenda item since September of 2020.

Recommended Action:

N/A

Fiscal Note/Consideration:

N/A

The Planning Commission started reviewing this item in March 2026, held a public hearing on May 11, 2026, and unanimously approved their recommendation to the City Council at their meeting on June 8, 2026 (attached). Attached are a draft adopting ordinance and redlined code amendments for the Council's review and discussion this evening, including some minor highlighted updates recommended by legal counsel.

Item History:

N/A

Recommended Action:

Hold a discussion and provide staff guidance regarding Home Business and License Code Updates

Fiscal Note/Consideration:

N/A



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted 6-0 to recommend that the City Council adopt the proposed draft amendments to EMC Titles 5 and 18 regarding home businesses and licensing regulations, as attached hereto.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 8TH DAY OF JUNE 2026.



JoAnn Overfield
Planning Commission Chair

Attest by:



Josh Kubitza, AICP
Planning Manager

ORDINANCE NO. 26-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATED TO UPDATING THE CITY'S BUSINESS LICENSING AND HOME BUSINESS STANDARDS; ADOPTING AMENDMENTS TO EDGEWOOD MUNICIPAL CODE (EMC) TITLES 5 AND 18 TO UPDATE PROCESSES AND PROCEDURES RELATED TO GENERAL AND HOME-BASED BUSINESS LICENSING; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Edgewood Municipal Code (EMC) Title 5 contain regulations for business licensing within the City of Edgewood; and

WHEREAS, the Washington State Department of Revenue (DOR) and Association of Washington Cities (AWC) recently flagged these regulations for an update to comply with recent changes in state law regarding the minimum annual sales threshold for licensure; and

WHEREAS, Edgewood Municipal Code (EMC) Title 18 contains regulations for home-based businesses, primarily enacted in 2003 and last significantly updated in 2015; and

WHEREAS, the Economic Development Advisory Board (EDAB) recently flagged these regulations as being repetitive and convoluted, which can be a significant deterrent to home-based businesses; and

WHEREAS, to implement recent changes to state law, implement home-based business goals set under the city's 2024 Comprehensive Plan, and improve the efficiency of administering the regulations, staff developed amendments to EMC Titles 5 and 18, incorporating the Planning Commission's policy recommendations; and

WHEREAS, the Planning Commission met to review the suggested amendments to EMC Titles 5 and 18 on March 9, 2026, April 13, 2026, and May 11, 2026; and

WHEREAS, the procedures for amendments to development regulations as provided in EMC 18.60 were followed as documented in the Planning Commission staff report dated June 8, 2026; and

WHEREAS, the suggested amendments were submitted to the Department of Commerce for 60-day review on April 23, 2026; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), the City issued a Determination of Nonsignificance (DNS) on April 26, 2026 under File No. 26-003-CODE with a public comment period ending on May 11, 2026 and appeal period ending on May 26, 2026, where no appeals were received; and

WHEREAS, in accordance with EMC 18.60.070, the City issued a Notice of a Public Hearing for the proposed code amendments on April 26, 2026, setting the Planning Commission public hearing for May 11, 2026 at 6:00 PM; and

WHEREAS, on June 8, 2025, the Planning Commission voted unanimously to recommend adoption of the proposed amendments to EMC Titles 5 and 18 to the City Council; and

WHEREAS, the City Council reviewed the proposed code amendments at their study session held on **July 7, 2026**; and

WHEREAS, the City Council considered the amendments at their regular meeting held on **July 14, 2026**;

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

Section 1. EMC Chapter 5.05 Amended. Amendments to EMC Chapter 5.05, relating to the General Business License Code, are attached hereto as **Exhibit A**, incorporated by reference.

Section 2. EMC Chapter 18.100 Amended. Amendments to EMC Chapter 18.100 relating to Home Businesses and Limited Home Businesses, are attached hereto as **Exhibit B**, incorporated by reference.

Section 3. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. 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 5. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON **THE 14TH DAY OF JULY, 2026**

Dave Olson, Mayor

ATTEST/AUTHENTICATED:

Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

Mali C. Barber, City Attorney

Date of Publication: 07/17/2026

Effective Date: 07/22/2026

DRAFT

1 Chapter 5.05

2 GENERAL BUSINESS LICENSE CODE

3 5.05.010 Title.

4 This chapter shall be known, cited, and referenced as the "General Business License Code."

5 5.05.020 Definitions.

6 A. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. Any
7 word or phrase not contained herein shall be first referenced to Chapter 18.20 EMC for meaning.

8 1. For any word or term not defined herein, the latest edition of Webster's Dictionary shall be used.

9 2. The director or their designee has the final authority to determine the interpretation or usage of terms used in
10 this chapter.

11 B. Additional definitions not contained in Chapter 18.20 EMC that apply to this title are:

12 1. "Business" means all activities, occupations, pursuits or professions engaged in the city of Edgewood (as the
13 term "engage in" is defined below).

14 2. "City clerk" means the city clerk for the city or their designee.

15 3. Engage In or Engaging In. The city expressly intends that this definition includes any activity sufficient to
16 establish nexus for the purpose of applying the business license fee under the law and constitutions of the
17 United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from
18 the activity that constituted the original nexus-generating contact or subsequent contacts. This definition is
19 satisfied through any of the activities described in subsections (3)(a) through (e) of this section.

20 a. Commencing, conducting or continuing in business, and also the exercise of corporate or franchise
21 powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as
22 conducting such business.

23 b. This subsection sets forth examples of activities that constitute engaging in business in the city and
24 establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in
25 de minimis business activities in the city without having to pay a business license fee. The activities listed
26 in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in
27 subsection (B)(3)(a). If an activity is not listed whether it constitutes "engaging in business" in the city shall
28 be determined by considering all the facts and circumstances and applicable law.

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

32 i. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal
33 property, intangible personal property or real property permanently or temporarily located in the city.

34 ii. Owning, renting, leasing, using or maintaining an office, place of business, or other establishment in
35 the city.

36 iii. Soliciting sales.

37 iv. Making repairs or providing maintenance or service to real or tangible personal property, including
38 warranty work and property maintenance.

- 1 v. Providing technical assistance or service, including quality control, product inspections, warranty
2 work, or similar services on or in connection with tangible personal property sold by the person or on
3 its behalf.
- 4 vi. Installing, constructing or supervising installation or construction of real or tangible personal
5 property.
- 6 vii. Soliciting, negotiating, or approving franchises, licenses or other similar agreements.
- 7 viii. Collecting current or delinquent accounts.
- 8 ix. Picking up and transporting tangible personal property, solid waste, construction debris or
9 excavated materials.
- 10 x. Providing disinfecting and pest control services, employment and labor pool services, home nursing
11 care, janitorial services, appraising, landscape architectural services, security system services,
12 surveying and real estate services, including the listing of homes and managing real property.
- 13 xi. Rendering professional services such as those provided by accountants, architects, attorneys,
14 auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports
15 organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory
16 operators, teachers, or veterinarians.
- 17 xii. Meeting with customers or potential customers, even when no sales or orders are solicited at the
18 meetings.
- 19 xiii. Training or recruiting agents, representatives, independent contractors, brokers or others
20 domiciled or operating on a job in the city, acting on its behalf, or for customers or potential
21 customers.
- 22 xiv. Investigating, resolving, or otherwise assisting in resolving customer complaints.
- 23 xv. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless
24 of where sale and delivery of the goods took place.
- 25 xvi. Delivering goods in vehicles owned, rented, leased, used or maintained by the person or another
26 acting on its behalf.
- 27 d. If a person, or its employee, agent, representative, independent contractor, broker, or another person
28 acting on the person's behalf, engages in no other activities in or with the city but the following, it need not
29 register and obtain a business license:
 - 30 i. Meeting with suppliers of goods and services as a customer.
 - 31 ii. Meeting with government representatives in their official capacity, other than those performing
32 contracting or purchasing functions.
 - 33 iii. Attending meetings, such as board meetings, retreats, seminars and conferences, or other meetings
34 wherein the person does not provide training in connection with tangible personal property sold by the
35 person or on its behalf. This provision does not apply to any board of directors member or attendee
36 engaging in business, such as a member of a board of directors who attends a board meeting.
 - 37 iv. Renting tangible or intangible property as a customer when the property is not used in the city.
 - 38 v. Attending, but not participating in, a "trade show" or "multiple vendor events." Persons participating
39 at a trade show shall review the city's trade show or multiple vendor event ordinances.

- 1 vi. Conducting advertising through the mail.
- 2 vii. Soliciting sales by phone from a location outside the city.
- 3 e. A seller located outside the city merely delivering goods into the city by means of a common carrier is
4 not required to register and obtain a business license; provided, that it engages in no other business
5 activities in the city. Such activities do not include those in subsection (B)(4) of this section.
- 6 4. "Licensee" means any business or business enterprise that applies for or is granted a business license. The
7 term "licensee" shall also mean the person who submits a business license for approval, the owner or operator
8 of a business or business enterprise, and any corporation, partnership, nonprofit or organization which owns or
9 operates the business or business enterprise.
- 10 5. "Business Licensing Service" and "BLS" mean the office within the Washington State Department of
11 Revenue providing business licensing services to the city of Edgewood.

12 **5.05.030 Administration and enforcement.**

13 A. The city clerk shall have general charge of, and supervision over, the administration and enforcement of this
14 chapter.

15 B. The city clerk may call upon other city departments to aid in the enforcement of this chapter.

16 C. The licensee shall, upon reasonable request, provide or allow the city clerk to inspect relevant documentation for
17 verification of the information provided by the licensee on the business license application.

18 **5.05.040 General business license required – Exemption.**

19 A. Unless exempt per subsection B below, it is unlawful for **any person** to engage in business in the city
20 without having first obtained a general business license for the current calendar year or unexpired portion thereof
21 and paid the fees prescribed in this chapter.

22 B. To the extent set forth in this section, ~~the following~~ persons and businesses whose annual value of products, gross
23 proceeds of sales, or gross income of the business conducted within the city is equal to or less than the threshold
24 listed in the city of Edgewood fee schedule adopted pursuant to EMC 3.35.020 shall be exempt from the registration,
25 license, and license fee requirements. This exemption does not apply to regulatory license requirements, activities
26 that require a specialized permit, or other occupancy requirements of the city. Said exemption threshold shall be at
27 least \$5,000 or the amount determined as outlined below if higher:

28 1. Beginning January 1, 2026, this threshold amount will be adjusted every four-years (forty-eight months) on
29 January 1, by an amount equal to the increase in the Consumer Price Index ("CPI") for "West Urban, All Urban
30 Consumers" (CPI-U) for each 12-month period ending on June 30 as published by the United States
31 Department of Labor Bureau of Labor Statistics or successor agency. The first such adjustment calculation will
32 occur on January 1, 2030, with subsequent calculations occurring every four years thereafter. To calculate this
33 adjustment, an initial value of \$4,000 will be multiplied by one plus the cumulative four-year (forty-eight
34 month) CPI increase using each 12-month period ending on June 30 of each prior year, and rounded to the
35 nearest \$100. However, if any of the annual CPI increases are more than five (5) percent, a five (5) percent
36 increase will be used in computing the annual basis and if any of the annual CPI decreased during the forty-
37 eight-month period, a zero (0) percent increase will be used in computing the annual basis. ~~Any person or~~
38 ~~business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is~~
39 ~~equal to or less than \$5,000 and who does not maintain a place of business within the city shall be exempt from~~
40 ~~the general business license requirements in this chapter.~~

41 2. ~~The exemption does not apply to regulatory license requirements, activities that require a specialized permit,~~
42 ~~or occupancy requirements required by the city.~~

1 **5.05.050 Separate business license required.**

2 A. A separate license shall be obtained for each physical location of a business enterprise within the city and each
3 license shall authorize the licensee to carry on, pursue or conduct business only at the physical location of the
4 enterprise as stated on the license.

5 B. A separate license shall not be required for a facility determined by the city clerk to be an accessory facility to a
6 business for which a license is issued.

7 C. When the licensee wishes to change the location of their business within the city, the licensee shall notify the
8 BLS sufficiently in advance of the intended move to allow BLS to notify the city clerk, and any other regulatory
9 agencies with an interest in the business, and providing enough time for the clerk and other agencies to review the
10 intended new location. Business shall not commence at the new location until approved. If the move is approved, a
11 new license will be issued for the new place of business, as long as no grounds exist for denial or revocation of the
12 license, as set forth in EMC 5.05.130. A change of location may require submitting a zoning change of use for the
13 new location.

14 **5.05.060 License not transferable.**

15 A. No license issued under the provisions of this chapter shall be transferred or assigned.

16 B. In the event that the ownership of a business changes, the acquiring person shall obtain their own license for the
17 business as provided for in this chapter before commencing business activities under the acquired business.

18 **5.05.070 License posting.**

19 All licenses issued pursuant to this chapter shall be posted in a conspicuous place at the business location for which
20 it was issued.

21 **5.05.080 Disclaimer of city liability.**

22 A. Issuance of a license pursuant to this chapter does not constitute the creation of any duty by the city to indemnify
23 the licensee for any wrongful acts against the public or any individual, or to guarantee the quality of goods, services,
24 or expertise of a licensee.

25 B. The issuance of a license does not shift responsibility from the licensee to the city for proper training, conduct, or
26 equipment of the licensee or his/her agents, employees or representatives.

27 **5.05.090 Application procedure – License fee.**

28 A. Application for the general business license provided for in this chapter is made by filing a business license
29 application with BLS. The application shall include all information required for each license requested, all fees due
30 for all licenses and any fee set forth in the city of Edgewood fee schedule, as well as the application handling fee
31 required by RCW 19.02.075 and any other fees required by this code

32 B. The BLS shall provide all necessary information to the city clerk for review. The city clerk shall determine
33 whether to approve issuance of the license through the BLS which will then produce the license document. If the
34 determination is made to deny the application, the city shall provide the decision to the applicant in writing. An
35 applicant who is denied may pursue an appeal as provided for in EMC 5.05.130 through 5.05.180.

36 **5.05.100 License does not indicate legality of business.**

37 A. The issuance of a license pursuant to this chapter shall not be evidence of the legality of a business or indicate
38 that the business is conducted in conformity with any laws or regulations of the city, the state of Washington or the
39 United States.

40 B. The issuance of a business license shall not prevent the city, the state of Washington or the United States from
41 taking any action relating to the conduct of the business or the licensee, including, but not limited to, action to
42 revoke the license or deny an application for a future license, an action to cause the cessation of the business, or any
43 enforcement action described in this chapter.

1 **5.05.110 License renewal – Late penalties.**

2 A. The business license issued through the provisions of this chapter shall expire on the date established by the BLS
3 and must be renewed on or before that date to lawfully continue to engage in business within the city.

4 B. Application for renewal of the license is made through the BLS and shall include all information required for
5 renewal of all licenses involved, the total fee for all licenses, as well as the renewal application handling fee required
6 by RCW 19.02.075.

7 C. The license expiration date and respective city license fee amount may be prorated as necessary in order to
8 synchronize the license expiration with the expiration date of the business license account maintained by the BLS.

9 D. Failure to complete the business license renewal by the expiration date shall incur the late renewal penalty
10 required by RCW 19.02.085 in addition to all other fees due.

11 E. Failure to complete the license renewal within 120 days after expiration shall result in the cancellation of the
12 license and shall require submitting a new application for a business license in order to lawfully engage in business
13 within the city. The city may require payment of all past due amounts prior to approving the new business license.

14 F. The city may impose additional penalties in addition to those referenced in this section, as provided for in EMC
15 5.05.190.

16 **5.05.120 Overpayment or refund of license fee.**

17 Whenever a business makes an overpayment, and within two years after the date of such overpayment makes an
18 application for a refund or credit for the overpayment, the claim shall be considered by the city clerk and, if
19 approved, shall be repaid by the city.

20 **5.05.130 Grounds for denial or revocation of license.**

21 A. In addition to other actions or penalties provided by law, the city may deny or revoke any license applied for or
22 issued pursuant to this chapter for any of the following reasons:

23 1. The license application contains an omission or misrepresentation of material fact.

24 2. The license was procured by fraud.

25 3. The license is used or is intended to be used for a business materially different from that applied for.

26 4. The licensee or business fails to pay the licensing fee applicable to such license.

27 5. The licensee or business violates any of the requirements of this chapter.

28 6. The business engages in, or the licensee seeks a license to engage in, an unlawful business or activity.

29 7. The business operates in a manner that constitutes a nuisance pursuant to common law or the ordinances and
30 codes of the city of Edgewood or the statutes of the state of Washington.

31 8. The licensee is not 18 years of age or older at the time the license is applied for.

32 9. The licensee or the business has had a similar license denied or revoked and has not corrected the basis for
33 the denial or revocation.

34 B. The issuance of a license that could have been denied pursuant to subsection (A) of this section shall not prohibit
35 the city from taking action to revoke the license at a later date, and it shall at all times remain the exclusive
36 responsibility of the licensee to ensure that the business complies with the requirements of this chapter.

37 **5.05.140 Denial or revocation of license – Notice and opportunity to be heard.**

38 In accordance with EMC 5.05.150 through 5.05.180, a licensee shall have an opportunity to be heard subsequent to
39 the denial of a business license, or prior to the revocation of an existing license.

1 **5.05.150 Notice of license denial or revocation and scheduling of hearing.**

2 A. Denial of License. Any action to deny a license applied for or issued shall be commenced by the city clerk's
3 notice of the denial. A notice issued under this subsection shall substantially comply with the following:

4 1. The notice shall be delivered, by first class mail or by personal service, to the business license applicant or
5 the holder of the business license as set forth in the most recent business license application.

6 2. The notice shall describe the basis for the denial.

7 3. The notice shall describe the corrective action, if any, that may be taken to eliminate the basis for denial.

8 4. The notice shall specify the deadline for the applicant to submit an appeal to the hearing examiner in order to
9 request an appeal hearing to contest the denial. If an appeal is filed, the appeal hearing shall be scheduled not
10 less than 14 but not more than 60 days after the date the notice is delivered in accordance with this subsection
11 (A).

12 5. The notice shall provide that if the licensee fails to appear on the date specified in the notice, the appeal of
13 the denial is waived.

14 B. Revocation of License. Any action to revoke an issued license shall be commenced by a notice of the revocation.
15 A notice issued under this subsection shall substantially comply with the following:

16 1. The notice shall be delivered, by first class mail or personal service, to the holder of the business license as
17 set forth in the most recent business license application or business license issued.

18 2. The notice shall describe the basis for the revocation.

19 3. The notice shall describe the corrective action, if any, that may be taken to eliminate the basis for the
20 revocation.

21 4. The notice shall specify the deadline for the applicant to submit an appeal to the hearing examiner, in order
22 to request an appeal hearing to contest the revocation. If an appeal is filed, the appeal hearing shall be
23 scheduled not less than 14 but not more than 60 days after the date the notice is delivered in accordance with
24 subsection (A) of this section.

25 5. The notice shall provide that if the holder of the business license fails to appear on the date specified in the
26 notice, default judgment shall be entered and the license shall be revoked on the failure to appear.

27 C. Operation during Appeal. When a license application has been denied or revoked and during the pendency of any
28 appeal on the denial or revocation, the applicant/licensee shall not engage in the business for which the license was
29 denied or revoked unless or until the license issues pursuant to the hearing examiner's order or court judgment.

30 **5.05.160 Hearing to deny or revoke business license.**

31 A. Parties to Hearing. The parties to a hearing provided pursuant to this chapter shall be the city and the licensee
32 (and/or legal counsel for the two parties).

33 B. Date for Hearing. Hearings shall be scheduled to occur no less than 14 but not more than 60 days after the date
34 the notice of denial or revocation is delivered in accordance with EMC 5.05.150; provided, that additional hearings
35 may be held after 60 days as determined by the hearing examiner. The hearing examiner shall have discretion to
36 grant continuances and reschedule hearings in the interest of the parties and justice.

37 C. Prehearing Conferences. The hearing examiner may, in the examiner's discretion or at the request of either party,
38 hold a prehearing conference to schedule additional hearings, order discovery, and to make other appropriate pretrial
39 determinations. A prehearing conference may be held by telephone.

40 D. Hearing Process. The parties to the hearing, or legal counsel for the parties, may call witnesses and present
41 evidence and rebuttal evidence subject to the following:

- 1 1. The city shall have the burden of proving, by a preponderance of the evidence, that there are sufficient
- 2 grounds for the denial or revocation of the license pursuant to EMC 5.05.130. Violations subject to civil
- 3 infraction or criminal penalties shall be enforced in Pierce County District Court (PCDC). (See EMC 5.05.190.)

- 4 2. The parties shall be responsible for securing the appearance of any witnesses they may call. Neither the city
- 5 nor the hearing examiner shall have the burden of securing any witnesses on behalf of the licensee.

- 6 3. Formal rules of evidence shall not apply. The hearing examiner may allow hearsay evidence and may permit
- 7 the admission of evidence without proof of the chain of custody of evidence. Notes, reports, summaries,
- 8 notices, photographs, or other materials prepared by the parties may be admitted into evidence if requested,
- 9 without satisfaction of formal rules of evidence. Notwithstanding the admission of evidence, the hearing
- 10 examiner shall determine the proper weight to be assigned to any evidence admitted.

- 11 E. Default Judgment. If the licensee fails to appear on the hearing date specified in the notice or at any other hearing
- 12 set by the hearing examiner, the right to a hearing shall be forfeit and default judgment shall be entered and the
- 13 license shall be denied or revoked.

- 14 **5.05.170 Authority of hearing examiner – Order – Appeal.**
- 15 A. Authority. The hearing examiner shall have the authority to determine whether or not there are sufficient grounds
- 16 for the denial or revocation of the business license, pursuant to EMC 5.05.130.

- 17 B. Order. The hearing examiner shall issue a written order that sets forth a procedural summary of the hearing, his or
- 18 her findings of fact and conclusions of law, and his or her determination. In the event of a default judgment, the
- 19 written order shall set forth whether notice was properly issued, the facts regarding the failure of the licensee to
- 20 appear, and a determination of default in the event notice was proper. The written order shall be delivered to the
- 21 parties by first class mail, deposited in the mail no more than 21 days following the conclusion of the hearing. The
- 22 order of the hearing examiner shall become effective on the third day following placement of the order in the mail.

- 23 C. Appeal. An appeal of the order of the hearing examiner must be filed with the superior court within 21 days of
- 24 the effective date of the order.

- 25 **5.05.180 Corrective action prior to hearing.**
- 26 In the event the licensee takes corrective action and the grounds for the denial or revocation are abated, and such
- 27 corrective action and abatement occurs prior to the date set for hearing, the hearing shall be canceled, and the license
- 28 shall be issued or reissued.

- 29 **5.05.190 Violations and enforcement – Penalties.**
- 30 A. Any violation of any provision of this chapter may be enforced as provided in this section.

- 31 B. Each separate date, or portion thereof, during which any violation occurs shall constitute a separate violation.

- 32 C. Enforcement.

 - 33 1. Civil Infraction. Any person who violates this chapter is subject to issuance of a Class 1 civil infraction as set
 - 34 forth in RCW 7.80.120(1)(a), filed in PCDC and processed in the same manner as other infractions. If a person
 - 35 cited for failure to obtain a business license appears before the PCDC and provides written evidence that he or
 - 36 she obtained a business license prior to adjudication of the infraction, the monetary penalty shall be reduced to
 - 37 \$100.00 and the court may assess court administrative costs of \$25.00. The court administrative costs shall be
 - 38 in lieu of the statutory assessments referenced in RCW 7.80.120.

 - 39 2. Criminal Violation. A person who knowingly violates a provision of this chapter, or commits a repeat
 - 40 violation of this chapter, is guilty of a misdemeanor, punishable by up to the maximum penalty established in
 - 41 RCW 9A.20.021(3). For purposes of this section, "repeat violation" means either a prior committed finding by
 - 42 the PCDC of an infraction issued under this chapter, or a committed finding by the hearing examiner of a
 - 43 violation of this chapter by the same business, licensee or person within a five-year period.

1 3. Injunction. In addition to or as an alternative to any other enforcement or penalty provided for in this chapter,
2 and because a violation constitutes an actual injury to the community, the city may seek injunctive relief or
3 other equitable relief to prevent any activity in violation of this chapter.

4 4. Collections. Any license fees or penalties due and unpaid under this chapter, and all costs and expenses,
5 constitute a debt to the city and may be collected by referral to a collection agency in accordance with Chapter
6 3.55 EMC and RCW 19.16.500 or court proceedings the same as any other debit in like amount which is in
7 addition to all other existing remedies. In any such action, the prevailing party shall be entitled to recover its
8 reasonably incurred costs, expenses, and fees, including attorneys' fees.

9

DRAFT

1 Chapter 18.100

2 DEVELOPMENT STANDARDS – USE SPECIFIC

3 ...

4
5 **18.100.070 Home businesses**

6 A. Purpose. The purpose of this section is to provide standards which allow residents to operate businesses or
7 conduct commercial activity from their principal residence or from a permitted accessory structure while achieving
8 the goals of retaining the residential character of the dwelling and the neighborhood.

9 BA. Applicability – Home business permit required. Unless the proposed business or commercial activity is exempt
10 per subsection C or complies with the limited activity restrictions under subsection E.2, ~~Home businesses are limited~~
11 ~~to an accessory use in conjunction with a residential detached dwelling use type. Obtaining~~ a home business permit
12 is required ~~in addition to the general business license required by Chapter 5.05 EMC.~~ The home business permit is
13 subject to the regulations of this section, reviewed under the Type 1 permit process as provided in EMC 18.50.050,
14 and administered through the community development department~~city clerk's office.~~

15 CB. Exemptions. The following uses are exempt from the regulations of this section:

16 1. Any non-residential use in a permitted accessory structure that is otherwise permissible in the zoning district
17 under EMC 18.70.050, and all required permits, approvals, and development standards for that use have been
18 satisfied. ~~This exemption does not apply to non-residential uses within any residential dwelling unit. Child-~~
19 ~~daycare services, home-based (624410, part), except a home business permit is still required to ensure-~~
20 ~~compliance with EMC 18.100.040.~~

21 2. Accommodation (NAICS Sector 721) – bed-and-breakfast inns (NAICS 721191).

22 3. Garage sales, yard sales, bake sales, temporary home bazaars for hand-crafted items or parties for the display
23 of clothing, gifts and household products, and other similar uses shall not be subject to regulation pursuant to
24 this section; provided, that:

25 a. Any such use shall not be in existence for more than four times in any one calendar year, and is not in
26 violation of any other section of the title or other city ordinances; and

27 b. Any such garage sales and yard sales involve only the sale of household goods, none of which were
28 purchased for the purpose of resale.

29 4. For the profit sale of produce or other food products is limited to the temporary seasonal sale of produce
30 grown on the premises.

31 5. Hobbies which do not result in payment to those engaged in such activity.

32 DC. Prohibited Activities. No business or commercial activity shall be allowed on property that a person owns,
33 occupies, or is in lawful control of, within residential dwellings or structures accessory thereto, contrary to the
34 provisions of this section. The following on-site activities are prohibited as home businesses:

35 1. Repair, bodywork, painting, washing, detailing, or storage of ~~No home business or business use on-~~
36 ~~residential property that a person owns, occupies or is in lawful control of, contrary to the provisions of this-~~
37 ~~section.~~

38 ~~2. The following on-site activities are prohibited as home businesses:~~

39 ~~a. Motor vehicles, commercial trucks and/or other heavy equipment repair.~~

1 ~~b. Motor vehicle, commercial truck and heavy equipment bodywork.~~

2 ~~e. Motor vehicle, commercial truck and heavy equipment painting.~~

3 ~~d. Motor vehicle, commercial truck and heavy equipment wash and/or detailing services.~~

4 ~~e. Storage of motor vehicles, commercial trucks or heavy equipment.~~

5 ~~f.2.~~ Storage of used parts of vehicles and/or used machinery in inoperable condition.

6 ~~g.3.~~ Storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials
7 unless being used to construct a specific structure on the premises, pursuant to a current city building permit.

8 ED. Performance Standards. The following performance standards prescribe the parameters under which one or
9 more home business activities may be conducted on private property when incidental to a residential use. Activities
10 that exceed these performance standards are subject to the use standards under Chapter 18.70 EMC, Permitted Land
11 Uses, ~~to determine the appropriate civic, commercial, or industrial use category that applies to the activity.~~

12 1. The following standards apply to all home business activities within the city of Edgewood:

13 ~~to determine the appropriate civic, commercial, or industrial use category that applies to the activity.~~

14 ~~a. All home business activities are subject to the general business license requirements under~~ A city-
15 ~~business registration shall be obtained and maintained for each home business as described in~~ Chapter 5.05
16 EMC.

17 ~~e. The home business shall be clearly incidental and secondary to the use of the property as residential-~~
18 ~~purposes and shall not change the residential character of the dwelling or neighborhood.~~

19 b. The activities must be operated by a resident of the property on which the activity is located, with no
20 more than one non-resident employee on site at any given time. If there is a non-resident employee, the site
21 must have one parking space in addition to any parking required for the dwelling on the same parcel of
22 land.

23 c. The activities shall be accessory to residential detached dwelling and middle housing use types, limited
24 to 40 percent of the gross floor area of the residence, including garages and unfinished basements, and
25 accessory buildings, with proof of owner authorization if the applicant is not the property owner.

26 d. The activities shall not change the residential character of the dwelling and/or neighborhood, being
27 conducted completely within the dwelling or other permitted accessory structure(s), including the storage
28 of all materials, parts, tools and other equipment used in the activity, except for the growing or storing of
29 plants that may be used by the activity.

30 e. The activities must not utilize more than two vehicles and utility trailers with a gross vehicle weight
31 rating (GVWR) of more than 10,000 pounds per truck/trailer combination. If there are vehicles and utility
32 trailers, parking must be provided for on the subject property.

33 ~~f.4.~~ There shall be no more than three deliveries per week to the residence by suppliers for the business
34 activities.

35 ~~g.e.~~ Traffic generated by ~~a home-~~the business activities shall not exceed 16 round trips per day per
36 property associated with the home business, including deliveries and client-related trips.

37 ~~h.f.~~ Utility demand for sewer, water, electricity, garbage or natural gas shall not exceed normal residential
38 levels, as determined by the utility purveyor.

1 ig. The activity shall not interfere with other existing and/or permitted uses on nearby land, including but
2 not limited to ~~E~~equipment or operation processes ~~shall not be utilized~~ which would produce or cause the
3 emission of gases, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to
4 cause offense or irritation to neighboring residents.

5 jh. The home business(es) shall not use electrical or mechanical equipment that results in:

6 i. A change to the fire rating of the structure(s) used for the home business(es);

7 ii. Visual or audible interference in radio or television receivers, or electronic equipment located off
8 premises; or

9 iii. Fluctuations in line voltage at or beyond the property line.

10 ki. The activity must comply with all applicable building, land use, and fire code requirements for permits,
11 occupancy, and inspection, including any use of hazardous materials or equipment. There shall be no
12 storage, distribution and/or production of toxic or flammable materials, nor spray painting or spray
13 finishing operations that involve toxic or flammable materials, which in the judgment of the fire code
14 official pose a dangerous risk to the residence, its occupants, and/or surrounding properties. An applicant
15 shall make available the material safety data sheets, listing all potentially toxic and/or flammable materials
16 associated with the home business, to the fire code official if requested for review.

17 l. Manufacturing activities shall be limited to small-scale assembly of already manufactured parts, but this
18 shall not preclude production of small, individually hand-crafted items, furniture or other wood items as
19 long as the activity meets the other standards of this section.

20 m. Customers, clients, and/or patrons of the activity shall be prohibited from the premises prior to 8:00 a.m.
21 and after 8:00 p.m. on Mondays through Fridays, and prior to 9:00 a.m. and after 5:00 p.m. on weekends
22 and holidays observed by the city.

23 n. All signs for the activity must meet the requirements of Chapter 18.97 EMC, Sign Code.

24 2. Home-based child daycare services (NAICS 624410, part) that are compliant with the standards under EMC
25 18.100.040 are exempt from the performance standards listed under subsection 1, above.

26 3. Proposed business activities that comply with subsection 1, above, and the following additional standards
27 shall be considered limited home businesses and are exempt from the home business permit required under this
28 section:

29 a. The structure shall not be modified to establish or operate the proposed business activity that would
30 cause it to resemble anything other than a residential dwelling or accessory structure. This means there
31 shall not be any separate entrance(s) for the activity from the outside of the structure, mechanical
32 equipment that would not be used normally for domestic or household purposes, and/or be any evidence
33 that a business is being conducted from the premises.

34 b. There shall be no exterior signage that identifies the property as a business location.

35 c. Other than residents of the dwelling, there shall be no non-resident employees, volunteers, or other
36 persons engaged in the business activities on the site.

37 d. Any sales, either retail or wholesale, shall be limited to remote means (mail order, telephone, electronic,
38 etc.) with off-site delivery.

39 e. Any service(s) offered to patrons shall be pre-arranged by appointment (no walk-ins), with no more than
40 one patron on-site at any time, or provided off-site.

1 f. Activities are further limited to no more than 25 percent of the floor area of the dwelling. Areas within
2 attached garages, unfinished basements and storage buildings shall not be considered floor area for
3 purposes of calculating this allowable limited home business activity area, but these features may be used
4 for storage of goods associated with the limited home business.

5 ~~E. One or more home business may be conducted in a residential detached dwelling use type as an accessory use,~~
6 ~~except as prohibited in subsection C of this section, Prohibited Activities; provided, that the home business shall:~~

7 ~~1. Be operated by a resident of the property on which the business is located.~~

8 ~~2. Employ no more than one full or part time person, other than residents of the dwelling.~~

9 ~~3. Be operated within the dwelling or other accessory buildings normally associated with uses permitted in the~~
10 ~~zone in which the property is located.~~

11 ~~4. Not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property~~
12 ~~is located.~~

13 ~~5. Comply with all conditions imposed pursuant to this section.~~

14 ~~6. Have one parking space per employee provided on the same parcel of land, in addition to that parking~~
15 ~~required for the dwelling.~~

16 ~~7. Not utilize more than two vehicles and utility trailers, with a gross vehicle and trailer weight of more than~~
17 ~~10,000 pounds, in the operation of the home business. Parking for said vehicles and/or trailers shall be provided~~
18 ~~on the subject property.~~

19 ~~8. Store all materials, parts, tools and other equipment used in the operation of the home business entirely~~
20 ~~within the dwelling or accessory building.~~

21 ~~9. Comply with building, land use and fire code requirements for permits, occupancy, and inspection, including~~
22 ~~use of hazardous materials or equipment.~~

23 ~~10. Limit manufacturing to the small scale assembly of already manufactured parts but shall not preclude~~
24 ~~production of small, individually hand-crafted items, furniture or other wood items as long as the activity meets~~
25 ~~the other standards of this section.~~

26 ~~11. Prohibit customers or clients on the premises prior to 8:00 a.m. and after 8:00 p.m. on Mondays through~~
27 ~~Fridays, and prior to 9:00 a.m. and after 5:00 p.m. on weekends and state or federal holidays.~~

28 ~~12. Limit the home business activity to 40 percent of the gross floor area of the residence, including garages~~
29 ~~and unfinished basements, and accessory buildings; or 2,000 square feet, whichever is less.~~

30 ~~13. Meet the signage requirements of Chapter 18.97 EMC, Sign Code.~~

31 ~~14. Each business must meet the requirement of Chapter 5.05 EMC, Business Licenses and Regulations.~~

32 F. Home business permit – decision criteria. The decision to approve, approve with conditions, or deny an
33 application for a home business permit shall be made by the community development director or designee upon
34 findings of whether or not the ~~pur~~proposed home business activity is or will be:

35 1. In compliance with the standards contained in this section;

36 ~~2. Subordinate to the residential use of the property; and~~

37 ~~2~~3. Undertaken in a manner that is not detrimental or disruptive in terms of appearance or operation to
38 neighboring properties or the community; and

1 34. Compatible with adjacent residential uses and surrounding neighborhoods. The community development
2 director or designee may impose conditions upon the approval of a home business permit to ensure said
3 compatibility ~~with adjacent residential uses and surrounding neighborhoods. These conditions may include~~
4 but ~~are~~ not limited to, the following:

- 5 a. Further limiting the hours, days, place and manner of operation.
- 6 b. Requiring site and building design features that minimize environmental impacts such as noise,
7 vibration, air pollution, glare, odor and dust.
- 8 c. Requiring additional building setbacks, and increased lot area, depth or width.
- 9 d. Further limiting the building area used by the home business and restricting the location of the use on the
10 site in relationship to adjoining uses.
- 11 e. Designating the size, number, location and design of vehicle access points.
- 12 f. Requiring street right-of-way to be free at all times of vehicles associated with the home business.
- 13 g. Requiring landscaping, buffering and/or screening of the home business from adjoining uses and
14 establishing standards for the continued maintenance of these improvements.
- 15 h. Requiring storm drainage improvements, and surfacing of parking and loading areas.
- 16 i. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the
17 home business.
- 18 j. Limiting or setting standards for the location and intensity of outdoor lighting.
- 19 k. Requiring and designating the size, height, location of fences and materials used for their construction.

20 G. Home business ~~P~~permit – Revocation and Expiration.

- 21 1. The community development director or designee may revoke a home business permit if the conditions of
22 approval have not been complied with and the home business is otherwise being conducted in a manner
23 contrary to this title.
- 24 2. When a home business permit has been revoked due to violation of these standards, a minimum period of
25 one year shall elapse before another application for a home business permit by the applicant(s) or member of
26 the family residing on the subject property will be considered.
- 27 3. A home business permit shall become invalid if the applicant moves his or her residence.

28 H. Nonconforming home business use. An ongoing home business may be granted nonconforming status; provided,
29 that it was previously permitted and has been in continuous operation since initial approval. The burden of providing
30 a home business's nonconforming status rests with the property owner or tenant, pursuant to EMC 18.90.110. A
31 home business which cannot prove nonconforming status shall be considered in violation of this section and shall
32 cease until the appropriate approvals have been granted.

33 ~~18.100.080. Limited home businesses.~~

34 ~~A. The purpose of this section is to provide standards which allow residents to operate businesses or conduct~~
35 ~~commercial activity from their principal residence or from a permitted accessory structure while achieving the goals~~
36 ~~of retaining the residential character of the dwelling and the neighborhood.~~

37 ~~B. Limited home businesses are permitted as an accessory use in conjunction with residential detached dwelling and~~
38 ~~middle housing use types.~~

- 1 ~~C. The same uses exempted under EMC 18.100.070(B) are exempt from the regulations of this section.~~
- 2 ~~D. Prohibited Activities:~~
- 3 ~~1. No limited home business or such use on property that a person owns, occupies or is in lawful control of,~~
4 ~~contrary to the provisions of this section.~~
- 5 ~~2. The following on-site activities are prohibited as home businesses:~~
- 6 ~~a. Motor vehicle, commercial truck and heavy equipment repair.~~
- 7 ~~b. Motor vehicle, commercial truck and heavy equipment bodywork.~~
- 8 ~~c. Motor vehicle, commercial truck and heavy equipment painting.~~
- 9 ~~d. Motor vehicle, commercial truck and heavy equipment wash and/or detailing services.~~
- 10 ~~e. Storage of motor vehicles, commercial trucks or heavy equipment.~~
- 11 ~~f. Storage of used parts of vehicles and/or used machinery in inoperable condition.~~
- 12 ~~g. Storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials,~~
13 ~~unless being used to construct a specific structure on the premises, pursuant to a current city building~~
14 ~~permit.~~
- 15 ~~E. The following performance standards prescribe the parameters under which limited home business activities may~~
16 ~~be conducted when incidental to a residential use. Activities that exceed these performance standards are subject to~~
17 ~~Chapter 18.70 EMC, Permitted Land Uses, to determine the appropriate civic, commercial, or industrial use~~
18 ~~category that applies to the activity.~~
- 19 ~~The following standards apply to all limited home business activities within the city of Edgewood:~~
- 20 ~~1. A limited home business permit shall be obtained directly through the city clerk's office for each limited~~
21 ~~home business and any property on which a limited home business is undertaken.~~
- 22 ~~2. A city general business license must be obtained and maintained for each limited home business as described~~
23 ~~in Chapter 5.05 EMC.~~
- 24 ~~3. The limited home business shall be clearly incidental and secondary to the use of the property as residential~~
25 ~~purposes and shall not change the residential character of the dwelling or neighborhood.~~
- 26 ~~4. All the activities of the limited home business(es) shall be conducted indoors, except for those related to~~
27 ~~growing or storing of plants used by the limited home occupation(s).~~
- 28 ~~5. No modification shall be made to the dwelling to establish or operate the limited home business that would~~
29 ~~cause it to resemble anything other than a dwelling.~~
- 30 ~~6. There shall be no more than three deliveries per week to the residence by suppliers.~~
- 31 ~~7. Traffic generated by a limited home business shall not exceed 16 round trips per day associated with the~~
32 ~~home business, including deliveries and client-related trips.~~
- 33 ~~8. Sales, either retail or wholesale, shall be limited to mail order and telephone sales with off-site delivery.~~
- 34 ~~9. Services to patrons shall be arranged by appointment or provided off-site.~~

- 1 ~~10. Utility demand for sewer, water, electricity, garbage or natural gas shall not exceed normal residential-~~
- 2 ~~levels.~~
- 3 ~~11. Equipment or operation processes shall not be utilized which would produce or cause the emission of gases,~~
- 4 ~~dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense or~~
- 5 ~~irritation to neighboring residents.~~
- 6 ~~12. The home business(es) shall not use electrical or mechanical equipment that results in:~~
- 7 ~~a. A change to the fire rating of the structure(s) used for the home business(es);~~
- 8 ~~b. Visual or audible interference in radio or television receivers, or electronic equipment located off-~~
- 9 ~~premises; or~~
- 10 ~~c. Fluctuations in line voltage at or beyond the property line.~~
- 11 ~~13. There shall be no storage, distribution and/or production of toxic or flammable materials, nor spray painting~~
- 12 ~~or spray finishing operations that involve toxic or flammable materials, which in the judgment of the fire code~~
- 13 ~~official pose a dangerous risk to the residence, its occupants, and/or surrounding properties. An applicant shall~~
- 14 ~~make available the material safety data sheets, listing all potentially toxic and/or flammable materials~~
- 15 ~~associated with the home occupation, to the fire code official if requested for review.~~
- 16 ~~F. One or more limited home business may be conducted in a residential dwelling as accessory uses, excepted as~~
- 17 ~~prohibited in EMC 18.100.070(C), Prohibited Activities; provided, that the limited home business shall:~~
- 18 ~~1. Not have any employee, volunteer or other person engaged in the commercial activity on the site, other than~~
- 19 ~~residents of the dwelling.~~
- 20 ~~2. Be operated in its entirety within the principal dwelling.~~
- 21 ~~3. Not have a separate entrance from outside the building.~~
- 22 ~~4. Not use any mechanical equipment except that which is used normally for purely domestic or household~~
- 23 ~~purposes.~~
- 24 ~~5. Not utilize more than 25 percent of the total floor area of the living space of the dwelling. Areas within~~
- 25 ~~attached garages, unfinished basements and storage buildings shall not be considered living space for purposes~~
- 26 ~~of calculating allowable home business area but may be used for storage of goods associated with the limited~~
- 27 ~~home business.~~
- 28 ~~6. Not show any evidence that a business is being conducted from the premises.~~
- 29 ~~7. Not have any exterior signage that identifies the property as a business location.~~
- 30 ~~8. Not allow clients or customers to visit the premises for any reason.~~
- 31 ~~9. Not have any exterior storage of materials.~~
- 32 ~~10. Each business must meet the requirement of Chapter 5.05 EMC, Business Licenses and Regulations.~~
- 33 ~~G. Permit Revocation and Expiration.~~
- 34 ~~1. The community development director or designee may revoke a home business permit if the conditions of~~
- 35 ~~approval have not been complied with and the home business is otherwise being conducted in a manner~~
- 36 ~~contrary to this title.~~

- 1 ~~2. When a home business permit has been revoked due to violation of these standards, a minimum period of~~
- 2 ~~one year shall elapse before another application for a home business permit by the applicant(s) or member of~~
- 3 ~~the family residing on the subject property will be considered.~~

- 4 ~~3. A home business permit shall become invalid if the applicant moves his or her residence.~~

- 5 ~~H. An ongoing home business may be granted nonconforming status; provided, that it was previously permitted and~~
- 6 ~~has been in continuous operation since initial approval. The burden of providing a home business's nonconforming~~
- 7 ~~status rests with the property owner or tenant, pursuant to EMC 18.90.110. A home business which cannot prove~~
- 8 ~~nonconforming status shall be considered in violation of this section and shall cease until the appropriate approvals~~
- 9 ~~have been granted.~~

- 10 ...

DRAFT