5.10.060 Fiscal agents -- Designation.

The City may by ordinance designate a fiscal agent to act as an authenticating trustee, transfer agent, registrar or paying agent for the City with respect to bonds or other obligations to be issued. In the absence of a designation by ordinance, the ((~~City Finance~~)) Director of Finance and Administrative Services may in accordance with RCW 39.46.030 designate one or more fiscal agents to act as an authenticating trustee, transfer agent, registrar or paying agent for the City with respect to registered bonds or other obligations which are usually subject to trading, assignment or transfer. Any fiscal agent designated by the City may be a fiscal agent of The State of Washington appointed in accordance with RCW Chapter 43.80.

Section 126. Section 5.10.070 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

5.10.070 ((~~Finance~~)) Director of Finance and Administrative Services as registrar.

The ((~~City Finance~~)) Director of Finance and Administrative Services may act as a registrar for leases, warrants, installment contracts and other obligations which provide for payment of interest that is intended to be exempt from federal income taxation and which are not usually subject to trading, assignment or transfer.

Section 127. Section 5.10.080 of the Seattle Municipal Code as last amended by Ordinance 118678 is amended as follows:

5.10.080 Contracts with fiscal agency.

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In accordance with RCW 39.46.030, the ((~~City~~)) Director of Finance and Administrative Services ((~~Director~~)) is authorized to enter into contracts with one or more fiscal agents of The State of Washington or any other designated fiscal agents of the City in connection with the establishment and maintenance by such fiscal agents of a central depository system for the transfer or pledge of registered bonds or other obligations and for services as authenticating trustee, transfer agent, registrar or paying agent for such bonds and other obligations. Any such contract shall define the rights and duties of the designated fiscal agent and the means of compensation thereof and may adopt by reference relevant terms and conditions of a contract between that fiscal agent and the State Finance Committee of The State of Washington.

Section 128. Section 5.12.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.12.010 Authority of Director of Finance and Administrative Services ((~~Executive Administration~~)).

When not otherwise prescribed pursuant to state law, the bookkeeping and accounting in all departments of the municipal government shall be done in the manner and form prescribed by, and subject to the approval of, the Director of Finance and Administrative Services ((~~Executive Administration~~)).

Section 129. Section 5.12.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.12.020 Monthly report.

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Every department of the municipal government keeping financial accounts shall, on or before the tenth day of each and every month, transmit to the Director of Finance and Administrative Services ((~~Executive Administration~~)), a statement and report, in form to be prescribed by the Director of Finance and Administrative Services ((~~Executive Administration~~)), showing the financial transactions of the department during the previous month.

Section 130. Section 5.12.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.12.030 Approval of report before publication.

No statement or report of financial transactions in any department or office shall constitute the official report of the City unless such statement or report shall first be submitted to, and approved by, the Director of Finance and Administrative Services.

Section 131. Section 5.12.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.12.040 Petty cash accounts -- Establishment -- Operation and expenditures.

The Director of Finance and Administrative Services ((~~Executive Administration~~))is authorized to establish petty cash accounts within the operating funds of City departments for the payment of miscellaneous items not payable by voucher and warrant. The establishment of petty cash accounts shall be requested in writing by the head of the department in the form and detail prescribed by the Director of Finance and Administrative Services ((~~Executive Administration~~)). All expenditures from such accounts shall be made from appropriations and for purposes

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authorized by the department annual budget. The maximum amount of such accounts shall be set by the Director of Finance and Administrative Services ((~~Executive Administration~~))in consultation with the City Auditor according to the needs of the petitioning department.

Section 132. Section 5.12.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.12.050 Petty cash accounts -- Administrative rules and regulations.

The Director of Finance and Administrative Services ((~~Executive Administration~~))shall promulgate rules and regulations, consistent with this chapter and Chapter 3.02, ((~~the City Administrative Code,~~[1]))establishing standards and procedures for the proper administration of petty cash accounts.

Section 133. Section 5.14.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.14.020 Authority in Director of Finance and Administrative Services ((~~Executive Administration~~)).

The Director of Finance and Administrative Services ((~~Executive Administration~~))is authorized to promulgate rules in accordance with ((~~the Seattle Administrative Code,~~)) Chapter 3.02, for establishing procedures for the receipt, handling and deposit by City officers and employees of City moneys into the City Treasury; for the method of documentation on all such transactions; for regular reporting to the Director of Finance and Administrative Services ((~~Executive Administration~~)); for certifying and decertifying by the Director of Finance and Administrative

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Services ((~~Executive Administration~~)) of all City officers and employees who are authorized to receive or handle City moneys in the regular course of their employment or departmental activities; for inspection of departmental cash records, including overages or shortages; for inspection of departmental practices and procedures in handling City moneys; and for contracting with agents to collect City moneys and their collection procedures. The Director of Finance and Administrative Services ((~~Executive Administration~~))may enforce these rules through on-site inspection; by decertifying any officer or employee who fails to comply with the Director of Finance and Administrative Services' ((~~Executive Administration's~~))Rules; and, in the event of noncompliance by a department or office, requiring that payments to personnel be authorized by the Director of Finance and Administrative Services ((~~Executive Administration~~)), or deposited at his or her office.

Section 134. Section 5.14.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.14.030 Duties of City personnel.

Any City officer or employee, who receives moneys belonging to the City in the scope and course of his or her duties, shall:

A. Immediately deliver the same to the Director of Finance and Administrative Services ((~~Executive Administration~~)) or, when so authorized, deposit the moneys with a City depository designated by the Director of Finance and Administrative Services ((~~Executive Administration~~)) to the credit of the City. The delivery or deposit must be made within ((~~twenty-four ()~~)24((~~)~~))

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hours after receipt unless otherwise authorized by the Director of Finance and Administrative Services ((~~Executive Administration~~));

B. Comply with rules promulgated by the Director of Finance and Administrative Services ((~~Executive Administration~~))for handling and processing of City moneys and for documentation and dissemination of records, and with departmental internal procedures established in conformity with the Director of Finance and Administrative Services' ((~~Executive Administration's~~)) rules; and

C. Notify the Seattle Police Department, the Director of Finance and Administrative Services ((~~Executive Administration~~)), and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given to them no later than ((~~twenty-four~~ ~~(~~))24((~~)~~))) hours after discovery.

Section 135. Section 5.14.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.14.040 Certification of receivers, cashiers and tellers.

Only persons who are certified by the Director of Finance and Administrative Services ((~~Executive Administration~~)) may receive and handle City moneys on a regular basis in the scope and course of their employment ((~~, except that a certification by the Director of Finance is valid until July 1, 2003, unless sooner withdrawn by the Director of Executive Administration~~)). As a condition to certification or maintenance of a certification, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may require that the officer or employee complete a course of instruction or training and/or pass an examination on the secure processing

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of moneys, the Director of Finance and Administrative Services' ((~~Executive Administration's~~)) rules, procedures and applicable departmental rules, and thereafter take refresher instruction or training at periodic intervals or when the need arises.

Section 136. Section 5.14.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.14.050 Departmental functions.

The head of any City department or office who anticipates receiving City moneys on a regular basis in the course of its activities shall:

A. Contract with the Director of Finance and Administrative Services ((~~Executive Administration~~)) for cash collection services or, after the Director of Finance and Administrative Services' ((~~Executive Administration's~~)) Rules take effect, assign the receiving and handling of City moneys only to those persons who are certified by the Director of Finance and Administrative Services ((~~Executive Administration~~)) for performing those functions;

B. Establish and maintain a system of procedures, documentation and reporting on receipts handling and deposit of City moneys satisfactory to the Director of Finance and Administrative Services ((~~Executive Administration~~));

C. Notify the Seattle Police Department, the Director of Finance and Administrative Services ((~~Executive Administration~~)), and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given no later than ((~~twenty-four (~~))24((~~)~~)) hours after discovery;

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D. Allow the Director of Finance and Administrative Services ((~~Executive Administration or an authorized deputy~~)) to make on-site inspections and observe the processing of City moneys, and to make inspections of departmental collection records.

Section 137. Section 5.14.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.14.060 Liability for loss as between department and Director of Finance and Administrative Services ((~~Executive Administration~~)).

A. As between a department and its officers and the Director of Finance and Administrative Services ((~~Executive Administration~~)), the department has primary responsibility for care and liability for loss of City moneys in its custody until deposited in the City Treasury or entrusted to a cashier certified by the Director of Finance and Administrative Services. ((~~Executive Administration; and the Director of Executive Administration thereafter.~~)) When deposit is made in an after-hours drop box of the City's public depository, or an armored car service making collection for the City, losses are assigned to the Director of Finance and Administrative Services ((~~Executive Administration~~)) if the Director of Finance and Administrative Services' ((~~Executive Administration's~~)) instructions for making deposits have been followed, and to the department otherwise.

B. Compliance with the Director of Finance and Administrative Services' ((~~Executive Administration's~~)) rules and procedures approved by the Director of Finance and Administrative Services ((~~Executive Administration~~)) establishes a presumption that a City department or office exercised due care in its custody and care of City moneys.

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Section 138. Section 5.16.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.16.010 Cancellation of warrants.

Any warrant which is not delivered to the payee within one (((~~(1)~~))year from the date of issuance shall be cancelled and the amounts for which said warrants are drawn shall be credited to the several funds against which they are drawn. The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall keep a record of cancelled warrants.

Section 139. Section 5.16.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.16.030 Director of Finance and Administrative Services ((~~Executive Administration~~)) authorized to establish credit.

As authorized by Section 43.09.2853 RCW, with the advice of the Debt Management Policy Advisory Committee, the Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to establish a line of credit for the City with any qualified public depository for cashing City warrants and other financial purposes, to determine the amount of credit extended, to execute written agreements therefor with either a fixed rate of interest adjusted periodically or a fluctuating rate of interest, such rates not greater than ((~~eighteen ()~~))18((())) percent annually or the maximum rate allowed by law, whichever is less, and to pay interest and other finance or service charges. The total of all lines of credit with all qualified public depositories shall not exceed ((~~Ten Million Dollars ()~~))$10,000,000((())).

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Section 140. Section 5.16.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.16.040 Lines of credit -- Payment.

The line or lines of credit established by Director of Finance and Administrative Services ((~~Executive Administration~~)) pursuant to Section 5.16.030 shall be a general obligation of the City. The City hereby pledges its full faith, credit and resources to levy and collect taxes and other revenues sufficient for payment of the principal of, and interest on, the lines of credit extended, and to make prompt payment of the obligation, including interest thereon, as the same are due.

Section 141. Section 5.16.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.16.050 Warrant overdrafts.

Subject to the following terms and conditions, the Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to contract with the bank at which the City maintains its principal account for the bank to postpone presentment of City warrants until the City can provide for their full payment:

A. The amount of the warrants for which presentment is so delayed shall be aggregated as a warrant overdraft account;

B. The aggregate of the warrant overdrafts shall not exceed ((~~Twenty Million Dollars~~ ~~(~~))$20,000,000((~~)~~));

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C. The fee charged by the bank shall not exceed that bank's current prime rate multiplied by 1.5, for the dates for which the credit is outstanding;

D. The Debt Management Policy Advisory Committee shall review the contract with the principal bank and, from time to time, advise the Director of Finance and Administrative Services ((~~Executive Administration~~)) thereon and on the aggregate of warrant overdrafts that may be outstanding;

E. Fees paid for deferment of presentment shall cease and the bank may present outstanding warrants should any other general fund warrant be presented to the Director of Finance and Administrative Services ((~~Executive Administration~~)) for payment and marked as presented but not paid for lack of funds.

Section 142. Section 5.20.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.20.010 Issuance of bill for labor or material.

When any department of the City shall furnish any labor or material to any person, the department shall render a bill for the labor or material as follows:

A. Bills of each department to be issued in triplicate and to bear consecutive numbers;

B. The original of the bill to be forwarded to the person receiving the labor or material;

C. The duplicate of the bill to be forwarded, forthwith to the Director of Finance and Administrative Services ((~~Executive Administration~~));

D. The triplicate of the bill to be retained by the department issuing the same.

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Section 143. Section 5.20.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.20.020 Correction of bill by credit voucher.

The head of the department issuing any of the bills described in Section 5.20.010 is authorized to correct the bills at any time prior to their payment by the issuance of credit vouchers directed to the Director of Finance and Administrative Services ((~~Executive Administration~~)).

Section 144. Section 5.20.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.20.030 Recordkeeping -- Notification of payment.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) is directed to preserve the duplicate bills and render proper accounting therefor and to notify each of the various departments as to the payment of the bills upon request of the department.

Section 145. Section 5.20.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.20.040 Deduction of credit voucher.

When any credit voucher shall have been issued correcting any of the bills, the Director of Finance and Administrative Services ((~~Executive Administration~~)) is directed to deduct the amount of the credit voucher from the face of the bill and accept the remaining amount thereof as full payment.

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Section 146. Section 5.22.010 of the Seattle Municipal Code, last amended by Ordinance 121364, is amended as follows:

5.22.010 Authorization for acceptance of credit cards, debit cards, and electronic commerce.

All City departments are authorized to accept credit cards, debit cards, and electronic commerce for payment of City taxes, licenses, fees, and other services, but only if and to the extent approved by the Director of Finance and Administrative Services ((~~Executive Administration or the Director's designee~~)) ("Director"). Before approving a City department's policies and procedures for the acceptance of credit cards, debit cards, or electronic commerce payments for City taxes, licenses, fees, or services, the Director shall consider whether sufficient provision has been made for internal financial controls and security. The Director is further authorized to establish City-wide policies and procedures for the acceptance of credit cards, debit cards, and electronic commerce for payment of City taxes, licenses, fees, and other services.

Section 147. Section 5.24.005 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.24.005 Claims for damages.

A. No action shall be commenced against the City in which monetary damages are being claimed until a written Claim for Damages has been presented to and filed with the City Clerk. Such a claim must name the claimant, include the claimant's address, specify the date and location of the claimed loss, describe any alleged act or omission on the part of the City and the basis upon which liability is being asserted against the City, identify any known witnesses, detail

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the nature and extent of the injury or damage sustained and state the amount being claimed. The claim form must be signed by the claimant or an authorized representative prior to its filing.

B. All claims for damages shall be investigated and evaluated by the Department of Finance and Administrative Services ((~~Department of Executive Administration~~)) with the assistance of the City Attorney. In anticipation of litigation regarding such claims, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may request reports from all interested departments concerning any claim and such reports shall be prepared to assist the City Attorney in defense of the City and shall constitute and be treated as privileged communications.

C. A lawsuit based upon the allegations of a Claim for Damages may not be instituted against the City within ((~~sixty ()~~)60(~~()~~)) days of the filing of such claim.

Section 148. Section 5.24.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.24.020 Payment of judgments.

The City Attorney may authorize payment of any settlement arising out of litigation against the City or any judgment against the City. Prior to authorizing settlement of any litigation for an amount over ((~~Five Hundred Thousand Dollars ()~~)$500,000(~~()~~)), the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant financial or policy issues, the City Attorney shall consult with the City Budget Director ((~~Director of Finance~~)), the Director of Finance and Administrative Services ((~~Executive Administration~~)), and the head of the relevant department. Upon a presentation by the City Attorney to the Director of Finance and

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Administrative Services ((~~Executive Administration~~)) of either a copy of a Release and Order of Dismissal or a copy of a judgment against the City, entered in an appropriate court, and having attached thereto a statement in writing, signed by the City Attorney, to the effect that the right of appeal from such judgment has been expressly waived, or that the time for an appeal has expired, the Director of Finance and Administrative Services ((~~Executive Administration~~)) shall issue a check upon the Judgment/Claims Subfund for the amount of such judgment, and costs if awarded to the claimant by the court.

Section 149. Section 5.24.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.24.030 Payment of claims.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) may authorize payment of any claim against the City, including claims brought in the small claims department of the district court pursuant to RCW Chapter 12.40. Prior to authorizing settlement of any claim for an amount over ((~~One Hundred Thousand Dollars ($~~))$100,000(~~)~~)), the Director of Finance and Administrative Services ((~~Executive Administration~~)) and the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant legal or policy issues, the Director of Finance and Administrative Services ((~~Executive Administration~~)) shall consult with the City Budget Director ((~~of Finance~~)), the City Attorney and the head of the relevant department.

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Section 150. Section 5.24.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.24.040 Advance payments -- Grounds for payment.

A. The City Attorney and the Director of Finance and Administrative Services ((~~Executive Administration~~)) are authorized to make periodic payments to a claimant pending settlement or other disposition of his or her claim equivalent to not more than the claimant's pre-injury net take-home pay if the City Attorney or the Director of Finance and Administrative Services ((~~Executive Administration~~)) finds the following conditions to exist:

1. The claimant has been physically disabled as a result of an act or omission by the City or its employees and agents and for which the City is legally obligated to respond in damages, which physical disability precludes the claimant from engaging in gainful employment;

2. The claimant's loss of employment results in financial hardship and the claimant is without alternate financial resources to provide for the necessary cost of living;

3. Circumstances exist which preclude the early settlement or other disposition of claimant's claim;

4. The best interest of the City and the claimant will be served by making such interim payments.

B. As a condition to commencing such payments, the City Attorney or the Director of Finance and Administrative Services ((~~Executive Administration~~)) shall secure from the claimant a written agreement that all payments made pursuant to this section shall be credited to the City

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against any settlement of the claim which may be arrived at, and shall be credited against any judgment which may be rendered against the City by reason of such claim in any court. The agreement may include such additional terms and conditions as the City Attorney or the Director of Finance and Administrative Services ((~~Executive Administration~~)) determines are appropriate to serve the best interests of the City.

C. In addition to the payments covering wage losses, the City Attorney or the Director of Finance and Administrative Services ((~~Executive Administration~~)) may, prior to settlement of the claimant's claim or prior to judgment, pay medical costs and provide necessary transportation and other expenses of treatment which the claimant may be required to pay; provided, that all such payments under this chapter shall cease at such time as the City Attorney or the Director of Finance and Administrative Services ((~~Executive Administration~~)) shall determine that one (((~~1~~))) or more of the circumstances enumerated above have changed or that the total sum paid the claimant approximates the amount the claimant is likely to recover by reason of his or her injury.

Section 151. Section 5.24.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.24.060 Litigation expenses.

The City Attorney and the Director of Finance and Administrative Services ((~~Executive Administration~~)) are authorized to make payment to private and/or public agencies, firms, and/or individuals who provide services to the City in support of any litigation and/or claim and/or

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threatened litigation or claim filed or contemplated against the City or where the City is a plaintiff or potential plaintiff in legal action.

Section 152. Section 5.30.025 of the Seattle Municipal Code, last amended by Ordinance 122842, is amended as follows:

5.30.025 Definitions, C -- D.

A. "Cash discount" means a deduction from the invoiced amount allowed by the seller if the invoice is paid within a certain time period or before a specified date.

B. "Cellular telephone service" is a voice or data telephone/telecommunications system based in whole or substantial part on wireless radio communications, whether or not the communications are subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. Cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes the same purpose as cellular mobile service.

C. "City" means the City of Seattle.

D. "Commercial or industrial use" means the following uses of products, including by-products, by the extractor or manufacturer thereof:

1. Any use as a consumer; and

2. The manufacturing of articles, substances or commodities.

E. "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus

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such as repair or maintenance service, if the equipment or apparatus is of a type which may be provided by persons not subject to regulation as telephone companies under RCW Title 80, and for which a separate charge is made. Competitive telephone service also includes leasing of telephone street directories. Transmission of communication through cellular telephones is classified as "telephone business" rather than "competitive telephone service."

F. "Construction, Demolition and Land Clearing Waste" (or "CDL Waste") has the meaning given in ((~~SMC~~)) Section 21.36.012.

G. "Consumer" means the following:

1. Any person who purchases, acquires, owns, holds, or uses any tangible or intangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for a consumer other than for the purpose of:

a. Resale as tangible or intangible personal property in the regular course of business;

b. Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;

c. Incorporating such property as an ingredient or component of a new product or as a chemical used in processing a new product when the

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primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new product; or

d. Consuming the property in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

2. Any person engaged in any business activity taxable under ((~~SMC~~)) ((~~S~~))subsection 5.45.050((-)).G and ((~~SMC~~))subsection 5.45.050((-)).H;

3. Any person who purchases, acquires, or uses any competitive telephone service as herein defined, other than for resale in the regular course of business;

4. Any person who purchases, acquires, or uses any personal, business, or professional service defined as a retail sale in ((~~SMC~~))Section 5.30.050 other than for resale in the regular course of business;

5. Any person who is an end user of software;

6. Any person engaged in the business of "public road construction," as that term is defined in ((~~SMC~~))Section 5.30.040 in respect to tangible personal property when that person incorporates the tangible personal property as an ingredient or component of a publicly-owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of a publicly-owned street, place, road, highway, easement, bridge, tunnel, or

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trestle or in or upon the site of a publicly-owned mass public transportation terminal or parking facility;

7. Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business;

8. Any person who is an owner, lessee, or has the right of possession, of personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

9. Any person engaged in "government contracting," as that term is defined in ((~~SMC~~)) Section 5.30.035. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person; Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer."

H. "Customer-owner," with respect to a distribution cooperative, means a person a) having an ownership interest in the distribution cooperative, b) who purchases merchandise for sale at retail from the distribution cooperative or its distribution affiliate, and c) who is entitled to distributions made by the distribution cooperative.

I. "Dangerous waste" has the same meaning as given in Section ((~~SMC~~)) 21.36.012.

J. "Deficiency" means the amount of tax imposed by law less any tax reported by the taxpayer on a tax return.

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K. "Delivery" means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. Dominion and control means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (Title 62A RCW) do not determine when or where delivery of tangible personal property occurs for purposes of Seattle's business license tax.

L. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

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M. "Distribution affiliate" means a partnership, limited liability company or other entity that sells merchandise to the customer-owners of the distribution cooperative and which is owned ((~~fifty ()~~)50_((~~)~~))percent or more by the distribution cooperative.

N. "Distribution cooperative" means a person a) that itself sells, or owns ((~~fifty ()~~)50((~~)~~)) percent or more of a distribution affiliate that sells, merchandise to its customer-owners for resale at retail, b) in which two-thirds of the aggregate outstanding voting ownership interest is owned by its customer-owners, c) that makes distributions to its customer-owners at least partly on the basis of patronage, and d) that qualifies for federal income tax purposes under the provisions of subchapter T of the Internal Revenue Code of 1986, as amended.

Section 153. Section 5.30.060 of the Seattle Municipal Code, last amended by Ordinance 123063, is amended as follows:

5.30.060 Definitions, T -- Z.

A. "Tax year," "taxable year." "Tax year" or "taxable year" means the calendar year.

B "Taxpayer" means any "person," as herein defined, required by ((~~SMC~~)) Chapter 5.55 to have a business license, or liable for any license, tax or fee, or for the collection of any tax or fee, under ((~~SMC~~))Chapters 5.32 (Amusement Devices), 5.35 (Commercial Parking Taxes), ((~~5.37 (Employee Hours Taxes),~~)) 5.40 (Admission Taxes), 5.45 (Business License Tax), 5.46 (Square Footage Business Tax), 5.48 (Utility Tax), and 5.52 (Gambling Tax), or who engages in any business or who performs any act for which a tax or fee is imposed under those chapters.

C. "Telecommunications service" or "Telephone business" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or

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signals to a point, or between or among points. It includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunication services or telephone business also includes ancillary services that are associated with or incidental to the provision of telecommunication services including, but not limited to conference bridging, detailed telecommunications billing, directory assistance, vertical service, or voice mail services as defined in RCW 82.04.065.

Telecommunication services or telephone business also includes those activities previously used to define telephone business such as the providing by any person of access to a local telephone network, local telephone network switching service, toll service, cellular or mobile telephone service, coin telephone services, pager service or the providing of telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. The term includes the provision of cooperative or farmer line telephone services or associations operating exchanges. The term also includes the provision of transmission to and from the site of an internet provider via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Telecommunication service or telephone business" does not include the providing of competitive telephone service, data processing, providing of cable television service, or other providing of broadcast services by radio or television stations.

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D. "Tour operator business" means a business activity of purchasing various travel components, such as transportation, lodging, meals and other associated services and reselling the same to consumers where the purchaser/reseller is liable itself to pay the vendor of the components purchased and does not make payment solely as an agent for the consumer.

E. "Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state and includes educational programs that such educational institution cosponsors with a non-profit organization, as defined by Section 501(c)(3) of the Internal Revenue Code, as hereafter amended, if such educational institution grants college credit for coursework successfully completed through the educational program, or an approved branch campus of a foreign degree-granting institution in compliance with chapter 28B.90 RCW, and in accordance with RCW 82.04.4332 or defined as a degree-granting institution under RCW 28B.85.010(3) and accredited by an accrediting association recognized by the United States secretary of education, and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

F. "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, a person is entitled to receive or accrue or which is actually received or accrued. The term shall be applied, in each case, on a cash receipts

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or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.

G. "Value of products, how determined."

1. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof, whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture or sale of such products or by-products by the seller.

2. Where such products, including by-products, are extracted or manufactured for commercial or industrial use, and where such products, including by-products, are shipped, transported or transferred out of the City, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value or the subject matter of the sale, the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The

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Director of Finance and Administrative Services may prescribe uniform and equitable rules for the purpose of ascertaining such values.

3. Notwithstanding subsection 2 above, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to:

a. The retail selling price of such new or improved product when first offered for sale; or

b. The value of materials incorporate into the prototype in cases in which the new or improved product is not offered for sale.

H. "Wholesaling" means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification.

I. "Yardwaste" has the meaning given in Section 21.36.016.

Section 154. Section 5.33.020 of the Seattle Municipal Code, last amended by Ordinance 123157, is amended as follows:

5.33.020 Small grants; acceptance

The City Auditor, the Director of Finance and Administrative Services ((~~Executive Administration~~)), the Director of Planning and Development, the City Attorney, the Superintendent of City Light, the Executive Director of the Employees' Retirement System, the Executive Director of the Ethics and Elections Commission, the Executive Secretary of the Firefighters' Pension System, the Administrative Director of the Legislative Department, the Mayor, the Presiding Judge of the Municipal Court, the Director of Personnel, the Executive

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Secretary of the Police Relief and Pension System, the Director of Transportation, the Fire Chief, ((~~the Director of Fleets and Facilities,~~)) the Director of the Human Services Department, the Chief Technology Officer, the Superintendent of Parks and Recreation, the Chief of Police, the Director of Seattle Center, the Seattle City Librarian, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the City Budget Director ((~~Director of Finance~~)), and the directors of each of the offices other than commissions governed by Chapter 3.14, are authorized to accept small grants from non-City sources for purposes that are consistent with the function and authority conferred upon the agency of each such respective officer, and to execute, deliver, and perform corresponding agreements.

Section 155. Section 5.33.040 of the Seattle Municipal Code, last amended by Ordinance 123157, is amended as follows:

5.33.040 Report

The City Budget Director ((~~Director of Finance~~)) shall transmit a written report by December 31st of each year to the Chair of the City Council Finance and Budget Committee, which shall list all grants received under the authority granted in ((~~SMC~~)) Section 5.33.020 and include for each grant the name of the grantor, the exact dollar amount of the grant, the receiving department, the fund or funds that the grant dollars were deposited into, and a brief description of the purpose of the grant.

Section 156. Section 5.40.010 of the Seattle Municipal Code, last amended by Ordinance 121797, is amended as follows:

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5.40.010 Definitions.

For the purposes of this chapter, the words and terms contained in Chapter 5.30 shall apply throughout this chapter unless expressly provided otherwise herein. The following additional definitions shall apply throughout this chapter:

A. "Admission charge" means the price required or paid for entering a premise or location and includes but is not limited in meaning to:

1. A charge made for season tickets or subscriptions;

2. A cover charge or a charge made for use of seats or tables, reserved or otherwise, and similar accommodations;

3. A charge made for food or refreshments in any place where any free entertainment, recreation or amusement is provided;

4. A charge made for rental or use of equipment or facilities for purposes of recreation or amusement and, where the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charge shall be considered as the admission charge;

5. A charge made for entrance to any theater, dance hall, amphitheater, private club, auditorium, observation tower, stadium, athletic pavilion or field, baseball or athletic park, circus, side show, outdoor amusement park or any similar place; and includes equipment to which persons are admitted for purposes of recreation such as merry-go-rounds, ferris wheels, dodgems, roller coasters, go-carts and other rides whether such rides are restricted to tracks or not;

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6. A charge made for automobile parking where the amount of the charge is determined according to the number of passengers in an automobile;

7. A charge made for entrance to any building, enclosure or area in which there is a swimming pool, skating rink, golf driving range, miniature golf course, short nine, or other golf course, or to gain entrance to such pool, rink or course itself, or for the use of the facilities thereof, or any rental paid by the person paying for such entry for the use of equipment and facilities supplied him and appropriate to the enjoyment of the privilege for which the admission is charged, or the aggregate thereof.

B. "Cabaret" means a room where musical entertainment is permitted in connection with a restaurant business.

C. "College" or "university" means any accredited public or private college, junior college or university, or the recognized student body association thereof insofar as the admission charges received by the college, university, or student body association are budgeted, and applied solely for exhibition, performance, study and/or teaching of the performing arts, visual arts, history or science. It specifically excludes any athletic department or division or activities of the college or university or of the recognized student body association thereof.

D. "Department" means the Department of ((~~Executive Administration~~)) Finance and Administrative Services of The City of Seattle, or its functional successor.

E. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle, or his or her functional successor, and shall include the Director's authorized representatives.

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F. "Market Price" means the price at which a seller is ready and willing to sell and a buyer is ready and willing to buy. Market price is a price that is acceptable to both buyer and seller and which might be different from the listed price.

G. "Nonprofit organization" means an organization in which no part of the income can be distributed to its members, director or officers and that holds a current tax exempt status as provided under Sec. 501(c)(3), (4) or (6) of the Internal Revenue Code of 1986, as amended, or is specifically exempted from the requirement to apply for tax exempt status under Sec. 501(c)(3).

Section 157. Section 5.45.100 of the Seattle Municipal Code, last amended by Ordinance 123063, is amended as follows:

5.45.100 Deductions.

In computing the license fee or tax, the following may be deducted from the measure of tax:

A. Membership Fees and Certain Service Fees by Nonprofit Youth Organization. For purposes of this subsection ((~~, SMC5.45.100 A~~)), "nonprofit youth organization" means a nonprofit organization engaged in character building of youth which is exempt from property tax under RCW 84.36.030. In computing tax due under this chapter, there may be deducted from the measure of tax all amounts received by a nonprofit youth organization:

1. As membership fees or dues, irrespective of the fact that the payment of the membership fees or dues to the organization may entitle its members, in addition to other rights or privileges, to receive services from the organization or to use the organization's facilities; or

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2. From members of the organization for camping and recreational services provided by the organization or for the use of the organization's camping and recreational facilities.

B. Fees, Dues, Charges. In computing tax, there may be deducted from the measure of tax amounts derived from bona fide:

1. Initiation fees;

2. Dues;

3. Contributions;

4. Donations;

5. Tuition fees;

6. Charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public;

7. Charges made for operation of privately operated kindergartens; and

8. Endowment funds.

((~~This s~~))Subsection((~~,SMC~~))5.45.100.((~~-~~))B, shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the

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amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction under this subsection.

C. Artistic and Cultural Organizations -- Income From Business Activities. In computing tax, there may be deducted from the measure of tax those amounts received by artistic or cultural organizations, as defined in ((~~SMC~~)) Section 5.30.020, which represent:

1. Income derived from business activities conducted by the organization, provided that this deduction does not apply to retail sales made by artistic and cultural organizations (the rental of space and the casual sales of props and fixtures used in or culture productions will be exempt from tax);

2. Amounts received from the United States or any instrumentality thereof or from the State of Washington or any municipal corporation or subdivision thereof as compensation for, or to support, artistic or cultural exhibitions, performances, or programs provided by an artistic or cultural organization for attendance or viewing by the general public; or

3. Amounts received as tuition charges collected for the privilege of attending artistic or cultural education programs.

D. Artistic or Cultural Organization -- Deduction for Tax Under the Manufacturing Classification -- Value of Articles for Use in Displaying Art Objects or Presenting Artistic or Cultural Exhibitions, Performances, or Programs. In computing tax, there may be deducted from the measure of tax by persons subject to payment of the tax under the manufacturing classification, the value of articles to the extent manufacturing activities are undertaken by an artistic or cultural organization, as defined in ((~~SMC~~))Section 5.30.020, solely for the purpose of

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manufacturing articles for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

E. Day Care Activities. In computing tax, nursery schools, preschools, child care providers and privately operated kindergartens may deduct from the measure of tax amounts derived from the care or education, for periods less than ((~~twenty-four (~~))24(()) hours, of children who are under eight (((~~(8)~~))years of age and not enrolled in or above the first grade. Such persons are, however, subject to the tax upon the gross proceeds derived from providing child care to children who are eight (((~~(8)~~))years of age or older or enrolled in or above the first grade. Amounts derived from selling, altering or repairing tangible personal property shall not be deductible.

F. Compensation from Public Entities for Health or Social Welfare Services -- Exception. In computing tax, there may be deducted from the measure of tax amounts received from the United States or any instrumentality thereof or from the State of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization (as defined in RCW 82.04.431) or by a municipal corporation or political subdivision, except deductions are not allowed under this section for amounts that are received under an employee benefit plan. For purposes of this subsection, ((~~SMC, 5.45.100 (F),~~)) "employee benefit plan" includes the military benefits program authorized in 10 U.S.C. Sec. 1071 et seq., as amended, or amounts payable pursuant thereto.

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G. Interest on Investments or Loans Secured by Mortgages or Deeds of Trust. In computing tax, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on non-transient residential properties.

H. Interest on Obligations of the State, its Political Subdivisions, and Municipal Corporations. In computing tax, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest paid on all obligations of the State of Washington, its political subdivisions, and municipal corporations organized pursuant to the laws thereof.

I. Interest on loans to farmers and ranchers, producers or harvesters of aquatic products, or their cooperatives. In computing tax, there may be deducted from the measure of tax amounts derived as interest on loans to bona fide farmers and ranchers, producers or harvesters of aquatic products, or their cooperatives by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans and providing finance-related services to bona fide farmers and ranchers, producers or harvesters of aquatic products, their cooperatives, rural residents for housing, or persons engaged in furnishing farm-related or aquatic-related services to these individuals or entities.

J. Receipts From the Sale of Tangible Personal Property Delivered Outside the State. In computing tax, there may be deducted from the measure of tax under retailing or wholesaling amounts derived from the sale of tangible personal property that is delivered by the seller to the buyer or the buyer's representative at a location outside the State of Washington.

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K. Cash Discount Taken by Purchaser. In computing tax, there may be deducted from the measure of tax the amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extracting or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the "value of product" provisions.

L. Credit Losses of Accrual Basis Taxpayers. In computing tax, there may be deducted from the measure of tax the amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.

M. Repair, Maintenance, Replacement, etc., of Residential Structures and Commonly Held Property -- Eligible Organizations.

1. In computing tax, there may be deducted from the measure of tax amounts used solely for repair, maintenance, replacement, management, or improvement of the residential structures and commonly held property, but excluding property where fees or charges are made for use by the public who are not guests accompanied by a member, which are derived by:

a. A cooperative housing association, corporation, or partnership from a person who resides in a structure owned by the cooperative housing association, corporation, or partnership;

b. An "association of apartment owners", as defined in RCW 64.32.010, as now or hereafter amended, from a person who is an "apartment owner" as defined in RCW 64.32.010; or

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c. An association of owners of residential property from a person who is a member of the association. "Association of owners of residential property" means any organization of all the owners of residential property in a defined area who all hold the same property in common within the area.

2. For the purposes of this subsection "commonly held property" includes areas required for common access such as reception areas, halls, stairways, parking, etc., and may include recreation rooms, swimming pools and small parks or recreation areas; but is not intended to include more grounds than are normally required in a residential area, or to include such extensive areas as required for golf courses, campgrounds, hiking and riding areas, boating areas, etc.

3. To qualify for the deductions under this subsection:

a. The salary or compensation paid to officers, managers, or employees must be only for actual services rendered and at levels comparable to the salary or compensation of like positions within the county wherein the property is located;

b. Dues, fees, or assessments in excess of amounts needed for the purposes for which the deduction is allowed must be rebated to the members of the association; and

c. Assets of the association or organization must be distributable to all members and must not inure to the benefit of any single member or group of members.

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N. Sales at Wholesale or Retail of Precious Metal Bullion and Monetized Bullion. In computing tax, there may be deducted from the measure of the tax amounts derived from the sale at wholesale or retail of precious metal bullion and monetized bullion. However, no deduction is allowed of amounts received as commissions upon transactions for the accounts of customers over and above the amount paid to other dealers associated in such transactions, and no deduction or offset is allowed against such commissions on account of salaries or commissions paid to salesmen or other employees.

O. Radio and Television Broadcasting -- Advertising Agency Fees -- National, Regional, and Network Advertising -- Interstate Allocations. In computing tax, there may be deducted from the measure of the tax by radio and television broadcasters amounts representing the following:

1. Advertising agencies' fees when such fees or allowances are shown as a discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount;

2. Actual gross receipts from national network, and regional advertising or a "standard deduction" as provided by RCW 82.04.280; and

3. Local advertising revenue that represents advertising which is intended to reach potential customers of the advertiser who are located outside the State of Washington. The Director of Finance and Administrative Services may issue a rule that provides detailed guidance as to how these deductions are to be calculated.

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P. Constitutional Prohibitions. In computing tax, there may be deducted from the measure of the tax amounts derived from business which the City is prohibited from taxing under the Constitution of the State of Washington or the Constitution of the United States.

Q. Distribution Affiliate or Cooperative. In computing tax, there may be deducted from the measure of the tax an amount equal to the actual cost of the merchandise that a distribution cooperative or its distribution affiliate sells to a customer-owner of the distribution cooperative for the customer-owner's resale at retail. Actual cost means the cost actually paid by the distribution cooperative or distribution affiliate after taking into account all cash discounts and other price reductions.

R. In computing tax imposed by ((~~SMC~~))subsection 5.45.050.((-))F, there may be deducted from the measure of the tax gross income from the transport of empty containers picked up in the City if 1) a full container transported from outside the City is exchanged for the empty container at the time of pick-up, and 2) the job is billed to the customer as a round trip charge.

S. Interstate Trucking. The tax imposed on motor carriers under ((~~SMC~~))subsection 5.45.050.((-))F shall not apply to gross income from freight picked up in the City and transported by the taxpayer to a location outside the State of Washington. A motor carrier that does not transport freight across the state boundary is not entitled to a deduction, even though the freight is destined for and is ultimately transported to a location outside Washington.

T. Sales of Water to Water Districts, Municipalities and other Political Subdivisions of the State of Washington for Resale. In computing tax, there may be deducted from the measure

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of the tax under the wholesaling classification, amounts derived from the sale of water to any water district, municipality or other political subdivision of the State of Washington.

U. Sales of Electricity for Resale. In computing tax, there may be deducted from the measure of the tax amounts derived from the sale of electricity to any purchaser of electricity for resale.

V. Receipts From the Sale of Tangible Personal Property or Retail Services Delivered Outside the City but Within Washington. Effective January 1, 2008, amounts included in the gross receipts reported on the tax return and which are derived from the sale of tangible personal property or retail services delivered to the buyer or the buyer's representative outside the city but within the State of Washington may be deducted from the measure of tax under the retailing or wholesaling classifications. Retail services include those services defined as such pursuant to ((~~SMC~~)) Section 5.30.040.

Section 158. Section 5.55.030 of the Seattle Municipal Code, last amended by Ordinance 123152, is amended as follows:

5.55.030 License requirements.

A. No person, unless specifically exempted, shall engage in any business activity, profession, trade or occupation in the City without having first obtained and being the holder of a valid and subsisting license to do so, to be known as a "business license." The fee for the business license shall be ((~~Ninety Dollars ()~~))$90((~~.00~~)) for persons with worldwide gross income of the business and value of products of more than ((~~Twenty Thousand Dollars ()~~))$20,000((~~()~~)) in the current calendar year that engage in any business activity, profession, trade

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or occupation in the City prior to July 1st and ((~~Forty-five Dollars ()~~)$45((~~.00~~)) for persons beginning their activity on or after July 1st. The business license fee for persons with worldwide gross income of the business and value of products of ((~~Twenty Thousand Dollars ()~~)$20,000((~~()~~)) or less in the current calendar year will be ((~~Forty-five Dollars ()~~)$45((~~.00~~))) if prior to July 1st and ((~~Twenty Two Dollars and Fifty Cents ()~~)$22.50((~~()~~)) for persons beginning their activity on or after July 1st. The fee shall accompany the application for the license.

The business license shall expire at the end of the calendar year for which it is issued. The business license shall be personal and nontransferable except as provided in subsection G, below. Applications for the business license shall be made to the Director of Finance and Administrative Services on forms provided by the Director. Each business license shall be numbered, shall show the name, place and character of the business of the licensee, and such other information as the Director deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued.

If the licensee changes the place of business, the licensee shall return the business license to the Director and a new license shall be issued for the new place of business free of charge.

B. When business is transacted at two (((~~(2)~~))or more separate places by one (((~~(1)~~)))taxpayer, a separate business license for each place at which business is transacted with the public shall be required. A ((~~Ten Dollar ()~~)$10((~~.00~~))) license fee shall be imposed and accompany each application for the business license required for each additional business location.

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C. No person to whom a business license has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required to operate under or display his or her license; nor shall such other person operate under or display such license.

D. As provided in ((~~SMC~~)) Section 6.20.040, a participant at an event, identified in the list supplied by the promoter or organizer, shall be exempt from the business license fee established by subsection A, above, or the fee for a separate business location established by subsection B, above, on account of business activities at the licensed event for the duration of the event license; provided however, that such participant is not otherwise engaging in business in the City as such term is defined in ((~~SMC~~))Section 5.30.030.((-))B2.

E. Any business license may be renewed by the payment for the ensuing year of the license fee herein prescribed on or before the date of the expiration of such license. Any licensee who fails to make payment on or prior to the expiration date of said business license shall be subject to penalties in the following amounts:

1. Ten Dollars if not received on or before the last day of the month following the expiration date.

2. Twenty Dollars if not received on or before the last day of the second month following the expiration date.

3. All business licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities. Nonpayment by the licensee of taxes or business license fees other than those due upon expiration for the renewal of a license, when due

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during the term of any license shall constitute grounds for revocation of or the refusal to renew said license.

F. Licenses for amusement devices will be in addition to this business license and will be assessed pursuant to Section 5.32.170. It is unlawful for any person to own any amusement device, which is available for use by the public, without having first obtained an amusement device license issued in accordance with the provisions of this chapter and ((~~SMC~~))Chapter 5.32. The license shall be attached to the amusement device at all times when in use or play or available for use or play so that it is readily visible. The amusement device license will be prorated semi-annually in the same manner as the business license; however, the amusement device license expires annually on November 30th.

G. A business license or amusement device license cannot be assigned or transferred, except that a license may be transferred:

1. To the surviving or new corporation, whenever the licensed corporation is merged or consolidated pursuant to RCW Chapter 23B.11, as now or hereafter amended;

2. To the surviving partner, or to a new partnership which consists exclusively of the surviving partners, whenever one ((~~(1)~~))partner of a licensed partnership dies;

3. To the surviving spouse, whenever one ((~~(1)~~))spouse of a licensed marital community dies;

4. To any one ((~~(1)~~))or more former partners, whenever a licensed partnership is dissolved and one ((~~(1)~~))or more of the former partners of the licensed partnership continue the operation of the business as an individual proprietorship

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or partnership without the addition of any new partner, and all of the other former partners consent in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;

5. To one ((~~(1)~~))spouse, whenever a licensed marital community is dissolved and the other spouse consents in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;

6. In case of the death of any licensee before the expiration of his or her license, his or her administrator or executor, duly appointed as such by order of court, may continue to act under said license for the unexpired term thereof upon filing with the City proof of such appointment.

As used in this subsection, ((~~SMC 5.55.030 G,~~)) the term "partnership" includes joint venture, and the term "partner" includes a co-venturer.

Section 159. Subsection 5.55.060.A of the Seattle Municipal Code, as last amended by Ordinance 122564 amended as follows:

5.55.060 Records to be preserved -- Examination -- Inspection -- Search warrants -- Estoppel to question assessment.

A. Every person liable for any fee or tax imposed by this chapter, ((~~SMC~~)) Chapters 5.32, 5.35, ((~~5.37,~~)) 5.40, 5.45, 5.46, 5.48, and 5.52 shall keep and preserve, for a period of five (((~~5~~)))years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable; which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records,

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papers, invoices, ticket stubs, vendor lists, gambling games and payout information, inventories, stocks of merchandise, and other data, including federal income tax and state tax returns, and reports needed to determine the accuracy of any taxes due, shall be open for inspection or examination at any time by the Director or a duly authorized agent. Every person's business premises shall be open for inspection or examination by the Director or a duly authorized agent.

Section 160. Section 5.55.160 of the Seattle Municipal Code, as last amended by Ordinance 120668 is further amended as follows:

5.55.160 Judicial Review of the Hearing Examiner's decision.

A. The taxpayer, any other person beneficially interested, or the Director of Finance and Administrative Services, may obtain judicial review of the decision of the Hearing Examiner by applying for a Writ of Review in the King County Superior Court within ((~~fourteen (~~))14((~~)~~)) days from the date of the decision in accordance with the procedure set forth in Chapter 7.16 RCW, other applicable law and court rules.

B. The decision of the Hearing Examiner shall be final and conclusive unless review is sought in compliance with this section.

Section 161. Section 5.55.165 of the Seattle Municipal Code, last amended by Ordinance 122564, is amended as follows:

5.55.165 Director of Finance and Administrative Services to make rules.

The Director of Finance and Administrative Services shall have the power and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent

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with this chapter, Chapters 5.30, 5.32, 5.35, ((~~5.37,~~)) 5.40, 5.45, 5.46, 5.48, 5.52 or with law for the purpose of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

Section 162. Section 5.55.260 of the Seattle Municipal Code, last amended by Ordinance 122192, is amended as follows:

5.55.260 Personal liability of persons in control of admission and commercial taxes.

In addition to persons liable for tax pursuant to ((~~SMC~~)) Sections 5.35.060 and 5.40.070:

A. Any individual who is responsible for collecting, accounting for or paying over the (1) commercial parking tax imposed by ((~~SMC~~)) Chapter 5.35, or (2) admission tax imposed by ((~~SMC~~))Chapter 5.40, and who willfully fails to collect, account for or pay over such tax, or willfully attempts to evade or defeat such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to pay the total amount of the tax evaded, not collected, or not accounted for and paid over.

B. An individual is responsible for collecting, accounting for, or paying over the tax if he has control over, or supervision of, the receipt of admissions charges or parking fees, the filing of returns or the remittance of the tax.

C. For purposes of this section, "willfully" means that the failure was the result of an intentional, conscious and voluntary course of action.

D. An individual shall be liable only for taxes which became due during the period he was required to collect, account for and pay over the tax, plus interest and penalties on the tax.

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E. An individual is not liable under this section if the failure to collect, account for or pay over the tax is due to reasons beyond his control, as determined by rules promulgated by the Director of Finance and Administrative Services.

F. The Director shall assess the liability in the same manner as a tax deficiency pursuant to ((~~SMC~~)) Section 5.55.095 and shall have the right of review provided by ((~~SMC~~))Section 5.55.140. If not appealed within the time provided in ((~~SMC~~))Section 5.55.140, the assessment is final and no refund request may be made for the period covered in the assessment.

G. Once established, liability for the tax is joint and several. The Director may collect the total amount of tax, but not more, either from individuals liable under this section or persons liable under ((~~SMC~~)) Section 5.40.070 or ((~~SMC~~)) Section 5.35.060, or both. This section does not relieve persons of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

Section 163. Section 5.56.110 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.56.110 Collection of tax.

Section 5 of the State Act requires the lessor to collect the tax from the lessee and remit the same to the Department of Revenue. City departments acting as lessors under terms of the State Act shall, effective January 1, 1976, collect the tax as a surcharge upon contract rent in the amount of ((~~twelve~~)) 12-percent (((~~12%~~))) of taxable rent, as defined in Section 2 of the State Act, or according to such different manner as the Department of Revenue may prescribe in accordance with Section 2 of the State Act. Collections of the tax shall be deposited in the appropriate

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operating funds of those City departments acting as lessors. The amounts shall be paid by the Director of Finance and Administrative Services ((~~Executive Administration~~)) to the Department of Revenue upon execution of appropriate vouchers by the affected departments and in accordance with such rules as the Department of Revenue may promulgate.

Section 164. Section 5.56.130 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.56.130 Establishment of subaccounts.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall establish such subaccounts in the operating funds of departments required to collect the tax as shall be necessary to permit the separate and appropriate accounting of such tax, and shall inform such departments concerning the identity and coding of such subaccounts.

Section 165. Section 5.64.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.64.030 Deposit and use of tax proceeds.

((~~The~~)) King County ((~~Comptroller~~)) may retain one percent (((~~1%~~))) of the proceeds of the taxes collected for the county current expense fund to defray the costs of collection. All remaining proceeds from City taxes collected shall be paid to the Director of Finance and Administrative Services ((~~Executive Administration~~)) at least monthly and, upon receipt, deposited in the Cumulative Reserve Subf((~~F~~))und for municipal capital improvements, including those listed in RCW 35.43.040.

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Section 166. Section 5.64.080 of the Seattle Municipal Code, as last amended by Ordinance 110674, is further amended as follows:

5.64.080 Refunds of excessive and improper payments.

If the State Department of Revenue authorizes a refund of an excessive amount or an improper payment of the state real estate excise transaction upon a particular sale, ((~~the~~))King County ((~~Comptroller~~)), upon application of the taxpayer, may make a refund of the City tax paid, and withhold a like amount from the next monthly distribution to the City.

Section 167. Section 5.64.090 of the Seattle Municipal Code, as last amended by Ordinance 110674, is further amended as follows:

5.64.090 Apportionment.

When a sale involves a single property bisected by the City's limits, or two (((~~(2)~~))or more real properties, some of which are located within the City and some of which are located outside, ((~~the~~)) King County ((~~Comptroller~~)) may determine the tax amount due to the City according to information supplied upon accompanying affidavits, and, if unable to determine the appropriate value therefrom, ((~~the~~)) King County ((~~Comptroller~~)) may rely upon recommendations of the State Department of Revenue, or the King County Assessor in making a determination of the amount of tax due.

Section 168. Section 5.78.010 of the Seattle Municipal Code as last amended by Ordinance is amended as follows:

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5.78.010 Account established -- Donations.

A. There is hereby established a Gift Catalogue account in the General Donations and Gift Trust Fund with subaccounts therein for the purposes set forth in the City's Gift Catalogue, and donations shall be credited to the appropriate subaccounts. The ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized and directed to accept donations for the purposes set forth in the Gift Catalogue and to give his or her receipt, and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) shall keep appropriate accounts and subaccounts therefor.

B. "City's Gift Catalogue," as used in this chapter, means the document attached to Ordinance 112137 and such supplemental catalogues as may be issued by the City, with the approval of the Mayor and the City Council by resolution, from time to time.

Section 169. Section 5.78.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.020 Expenditures -- Seattle Center programs.

The Director of the Seattle Center is authorized to direct expenditures for the donations made to the Seattle Center programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw to pay warrants against the designated program account or subaccount on vouchers approved by The Seattle Center Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

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Section 170. Section 5.78.030 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

5.78.030 Expenditures -- Office of Arts and Cultural Affairs.

The Director of the Office of Arts and Cultural Affairs is authorized to direct expenditures for the donations made to the Office of Arts and Cultural Affairs programs (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by said Commission as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 171. Section 5.78.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.040 Expenditures -- Seattle Department of Transportation programs.

The Director of Transportation is authorized to direct expenditures for the donations made to Seattle Department of Transportation programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Transportation as to payee and purpose. If

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the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 172. Section 5.78.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.060 Expenditures -- Office of Housing.

The Director of Housing is authorized to direct expenditures for the donations made to that Office's programs in the City's Gift Catalogue or for other housing activities as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Housing as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 173. Section 5.78.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.070 Expenditures -- Seattle-King County Department of Public Health.

The Director of Public Health is authorized to direct expenditures for the donations made to the Seattle-King County Department of Public Health programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Public Health as to payee and

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purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 174. Section 5.78.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows

5.78.080 Expenditures -- Seattle Public Utilities.

The Director of Seattle Public Utilities is authorized to direct expenditures for the donations made to the Seattle Public Utilities programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Seattle Public Utilities as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 175. Section 5.78.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.090 Expenditures -- Police Department.

The Chief of Police is authorized to direct expenditures for the donations made to the Police Department programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered,

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the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 176. Section 5.78.100 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.100 Expenditures -- Fire Department.

The Chief of the Fire Department is authorized to direct expenditures for the donations made to the Fire Department programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 177. Section 5.78.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.120 Expenditures -- Department of Parks and Recreation.

The Superintendent of Parks and Recreation is authorized to direct expenditures for the donations made to the Department of Parks and Recreation programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Superintendent as to payee and purpose. If

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the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 178. Section 5.78.130 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.130 Expenditures -- Personnel Director.

The Personnel Director is authorized to direct expenditures for the donations made to programs of the Personnel Department ((~~or to programs of the former Personnel Division of the Executive Services Department~~)) in the City's Gift Catalogue as designated by the donor; and the City Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Personnel Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 179. Section 5.78.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.150 Expenditures -- Director of Finance and Administrative Services ((~~Executive Administration~~)).

The ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to direct expenditures for the donations to programs of ((~~formerly housed in~~)) the City Budget Office, and to programs of the former Department of Finance, ((~~and to programs of the~~

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~~former~~))Finance Department, and ((~~to programs of the former~~)) Department of Licenses and Consumer Affairs in the City's Gift Catalogue as designated by the donor; and to draw and to pay warrants against said program accounts or subaccounts on vouchers. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 180. Section 5.78.160 of the Seattle Municipal Code as last amended by Ordinance 120749 is amended as follows:

5.78.160 Expenditures -- Department of Planning and Development((~~Design, Construction and Land Use~~)).

The Director of the Department of Planning and Development (formerly known as the Department of Design, Construction and Land Use), is authorized to direct expenditures for ((~~the~~)) donations made to the Department of Planning and Development or former Department of Design, Construction and Land Use ((~~Department~~)) programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of the Department of Planning and Development as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

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Section 181. Section 5.78.170 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.170 Expenditures -- City Clerk's Office.

The City Council is authorized to direct expenditures for the donations to the City Clerk's Office programs in the City's Gift Catalogue as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against such program accounts or subaccounts on vouchers approved by the City Clerk as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 182. Section 5.78.180 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.180 Expenditures -- Department of Neighborhoods.

The Director of the Department of Neighborhoods is authorized to direct expenditures from the donations made to that Department's programs that are in the City's Gift Catalogue, as amended from time to time, or for which an account or subaccount for deposit of donations is established by ordinance. Such expenditures shall be consistent with the designation by the donor. The ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said accounts or subaccounts for such programs, or make appropriate transfers from such accounts or subaccounts, based on vouchers approved by the Director of Neighborhoods as to payee and purpose. If the applicable fund is solvent at the

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time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 183. Section 5.78.190 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

5.78.190 Expenditures -- Human Services Department.

The Director of the Human Services Department is authorized to direct expenditures for the donations made to that Department's programs in the City's Gift Catalogue or for other human services activities as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Human Services Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may elect to make payment by check.

Section 184. Section 5.78.200 of the Seattle Municipal Code, last amended by Ordinance 122876, is amended as follows:

5.78.200 Expenditures -- Seattle Climate Action Now Program.

The Mayor or the Mayor's designee is authorized to direct expenditures for the donations made to the Seattle Climate Action Now Program as designated by the donor; and the ((~~City~~)) Director of Finance and Administrative Services ((~~Executive Administration or the Director's designee~~)) is authorized to make payments against the Seattle Climate Action Now Subfund of the General

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Donations and Gift Trust Fund((~~as authorized by Chapter 3.04 of the Seattle Municipal Code~~)) on vouchers approved by the Mayor or the Mayor's designee as to payee and purpose.

Section 185. Section 5.78.210 of the Seattle Municipal Code, last amended by Ordinance 123194, is amended as follows:

5.78.210 Expenditures -- Prostituted Children Rescue Program

The Mayor or the Mayor's designee is authorized to direct expenditures for the donations made to the Prostituted Children Rescue Program as designated by the donor, and the ((~~City's~~)) Director of Finance and Administrative Services ((~~Executive Administration~~)) or the Director's designee is authorized to make payments against the Prostituted Children Rescue Subfund of the General Donations and Gift Trust Fund((~~as authorized by Chapter 3.04 of the Seattle Municipal Code~~)) on vouchers approved by the Mayor or the Mayor's designee as to payee and purpose.

Section 186. Section 5.80.020 of the Seattle Municipal Code, last amended by Ordinance 122557, is amended as follows:

5.80.020 Structure of subfund.

The Cumulative Reserve Subfund shall be comprised of two (((~~2~~)))accounts: the Capital Projects Account, with its several subaccounts, and the Revenue Stabilization Account.

A. The Capital Projects Account shall be comprised of several subaccounts, including but not limited to the Real Estate Excise Tax I Subaccount; the Real Estate Excise Tax II Subaccount; the South Lake Union Property Proceeds Subaccount; the Asset Preservation Subaccount –General Facilities ((~~Fleets and Facilities~~)); and the Unrestricted Subaccount.

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Expenditures from the Capital Projects Account shall require an ordinance adopted by a majority of the members of the City Council.

B. The Revenue Stabilization Account shall be used for revenue stabilization for future City operations. Expenditures from the Revenue Stabilization Account shall require an ordinance passed by two-thirds vote unless state law requires a higher super majority vote of the City Council. The Revenue Stabilization Account shall be funded by (1) transfers by ordinance, and (2) automatic transfer of tax revenues to the extent described in this section. Upon completion of fiscal year accounting, tax revenues collected during the closed fiscal year which are in excess of the latest revised estimate of tax revenues for that closed fiscal year (as published in the current fiscal year adopted budget) shall automatically be deposited to the Revenue Stabilization Account. Such deposit shall occur at that time the City completes its accounting for the fiscal year. At no time shall the balance of the Revenue Stabilization Account exceed ((~~five ()~~))5-((~~.0~~)) percent of the amount of tax revenues received by the City during the fiscal year prior to the closed fiscal year. For purposes of this paragraph, the phrase "tax revenues" means all tax revenues deposited into the General Subfund, including but not limited to, tax revenue from the regular property tax levy, business and occupation tax, utility business taxes, admissions tax, leasehold excise tax, gambling taxes, and sales and use taxes.

Section 187. Section 5.80.030 of the Seattle Municipal Code, last amended by Ordinance 121661, is amended as follows:

5.80.030 Capital projects subaccounts.

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A. The Real Estate Excise Tax I Subaccount shall be comprised of the first ((~~one-quarter of one (1)~~)))0.25-percent excise tax on real estate sales collected on or after May 1, 1992. It shall be expended only for the purposes and capital projects contemplated by RCW 82.46.010.

B. The Real Estate Excise Tax II Subaccount shall be comprised of the second ((~~one-quarter of one (1)~~)))0.25-percent excise tax on real estate sales collected on or after May 1, 1992. It shall be used solely for the purposes and capital projects contemplated by RCW 82.46.035.

C. The Unrestricted Subaccount shall, unless provided otherwise by ordinance, be comprised of revenues from sales of surplus City property net of sale proceeds deposited into the South Lake Union Property Proceeds Subaccount, transfers of General Fund balances, investment earnings attributable to the Capital Projects Account of the Cumulative Reserve Subfund net of investment earnings attributable to the South Lake Union Property Proceeds Subaccount and the Asset Preservation Subaccount – General Facilities ((~~Fleets and Facilities~~)), and other unrestricted contributions to the Cumulative Reserve Subfund.

D. The South Lake Union Property Proceeds Subaccount shall, unless provided otherwise by ordinance, be comprised of revenues from sales of certain surplus City property located adjacent to South Lake Union, investment earnings attributable to the Subaccount, and other revenues identified through ordinance.

E. The Asset Preservation Subaccount – General Facilities ((~~Fleets and Facilities~~)) shall, unless provided otherwise by ordinance, be comprised of revenues from space rent charges levied by the Department of Finance and Administrative Services (formerly the Fleets and Facilities Department) on occupants of the facilities it manages, operates, or maintains, investment earnings attributable to the Subaccount, and other fund sources approved through the

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City's annual budget process or by other ordinance. Expenditures from the Asset Preservation Subaccount – General Facilities ((~~Fleets and Facilities~~)) shall be limited to projects intended to preserve or extend the useful life and operational capability of capital facilities and shall be appropriated through the annual budget process or by other ordinance, consistent with the Capital Improvement Program of the Department of Finance and Administrative Services. ((~~Fleets and Facilities Department~~.))

F. The Street Vacation Subaccount shall, unless provided otherwise by ordinance, be comprised of one-half of the revenue received by the City as compensation for any street or alley that is vacated. Expenditures shall be dedicated to the acquisition, improvement, and development of public open space or transportation capital projects.

Section 188. Section 6.02.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.030 Definitions.

For the purpose of this subtitle certain words shall have the meanings specified in this section. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

A. "Complainant" means any person who files a complaint in writing with the Department of Finance and Administrative Services((~~Executive Administration~~)).

B. "Confidential" means not available for public inspection.

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C. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle and shall include the Director's authorized representatives.

D. "Licensee" means the holder of any license issued in accordance with the provisions of this subtitle.

E. "Person" means any individual, partnership, company, society, association, or other group or organization, whether acting by themselves or by a servant, agent or employee.

F. "Published" means published in a daily newspaper of general circulation published in The City of Seattle.

Section 189. Section 6.02.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.040 Administration and enforcement.

A. The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall have general charge of, and supervision over, the administration and enforcement of this subtitle, and he or she shall exercise all the powers and perform all the duties imposed upon him or her by this subtitle, and all other ordinances relating to licenses issued for regulatory and/or revenue purposes unless administration and enforcement of such ordinance is vested in another officer or department by ordinance.

B. The Director in the discharge of such powers and duties is authorized to inspect all relevant reports, books, records and premises of any licensee; provided that the results of any such inspection shall be confidential unless a hearing is requested under the provisions of this

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subtitle in connection with the license held by such licensee. It shall be his or her duty to furnish monthly to the Chief of Police and Chief of the Fire Department a list of licensees, including the name and address, character of license and date of expiration of the following classification of license holders: billiard and pool tables, public dance halls, cafe dances, cabarets, theaters and other places of amusement, pawnshops, secondhand dealers, junk shops, junk wagons and all for-hire vehicles. It shall be the duty of the Chief of Police concurrently with the Director, to enforce this subtitle.

Section 190. Section 6.02.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.050 Establishment of rules and regulations.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall establish administrative rules and regulations consistent with this subtitle for the purpose of enforcing and carrying out the provisions thereof. Such rules and regulations shall be established pursuant to the requirements of Chapter 3.02.((~~ the Administrative Code (Ordinance 102228)[1] as now or hereafter amended.~~))

Section 191. Section 6.02.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.060 Assistance in enforcement.

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department

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detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of the Department of Public Health shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the Director of Finance and Administrative Services ((~~Executive Administration~~)) and to the Chief of Police and, if a violation of Chapter ((~~6.230~~)) 6.420 is involved, to the Director of the Department of Planning and Development ((~~Construction and Land Use~~) any violations of this subtitle coming to their attention.

Section 192. Section 6.02.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.080 Hearing -- Procedure.

A. In all cases in which a hearing is requested or otherwise required in accordance with the provisions of this subtitle the Director of Finance and Administrative Services ((~~Executive Administration~~)) shall set a date for hearing before a Hearing Examiner in the Office of Hearing Examiner which date unless otherwise provided in this subtitle shall not be later than ((~~fifteen~~ (~~)~~)15((~~)~~)) days after receipt of such request. Notice of the date, and summary of the issues involved shall be published and shall be sent by certified mail to the license applicant or licensee and to any complainant.

B. Such hearing shall be open to the public and shall be conducted and a record kept thereof by the Hearing Examiner in accordance with Chapter 3.02 ((~~Administrative Code[1] of the City~~)).

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C. In the conduct of such hearing the Hearing Examiner shall have authority to issue subpoenas for the attendance of witnesses and/or production of documents, hold conferences for the settlement or simplification of issues, administer oaths and affirmations, examine witnesses, receive and rule upon the admissibility of evidence, and take notice of judicially cognizable facts and other general, technical or scientific facts within his specialized knowledge. In ruling upon the admissibility of evidence the Hearing Examiner shall give effect to rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence, but may admit and consider any evidence which possesses probative value commonly accepted by reasonably prudent men and women in the conduct of their affairs.

D. Every interested party shall have the right to offer evidence, both directly and in rebuttal, and to cross-examine any witness who shall testify.

Section 193. Section 6.02.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.090 Filing of findings of hearing.

Within ((~~twenty (~~))20((~~)~~)) days after any such hearing or any continuation thereof, the Hearing Examiner shall file with the Director of Finance and Administrative Services ((~~Executive Administration~~)) and with the City Clerk written findings of fact, conclusions and his or her decision. Such decision shall be mailed by certified mail to the license applicant or licensee and to the complainant, if any, and shall be final.

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Section 194. Section 6.02.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.120 Records to be filed with City Clerk and Director.

Unless otherwise provided in this subtitle, all decisions, orders, rules, regulations, reports and records required by this subtitle to be made or kept, shall be filed with the City Clerk and a copy thereof filed in the office of the Director of Finance and Administrative Services ((~~Executive Administration~~)), and shall be open to public inspection in the office of the City Clerk during normal business hours.

Section 195. Section 6.02.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.150 Change of ownership -- Panoram location businesses.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) may recognize a change of ownership of any business licensed for "panoram location" upon the filing by the new or prospective owner of applications in the manner and form prescribed, and payment of the applicable fee required for original applications for such licenses, and may in granting any such application include the condition that such new or prospective owner assume and pay any lawful indebtedness of the transferor or assignor due to the City in connection with such business.

Section 196. Section 6.02.170 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

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6.02.170 Business at location other than stated in license.

Unless otherwise specifically provided, no license issued under authority of this subtitle shall entitle the holder thereof to maintain or conduct the business, trade, occupation, calling, exhibition or entertainment, for which he/she had procured such license at any other place or location than that stated in such license except upon the written consent of the Director of Finance and Administrative Services ((~~Executive Administration~~)).

Section 197. Section 6.02.190 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.190 License application -- Form for certain businesses.

A. Application for the granting or renewal of:

1. Cabaret licenses;

2. Detective agency licenses;

3. Massage premises and public bathhouse license;

4. Pawnbroker licenses;

5. Merchants patrol agency licenses; shall be made in the office of the Director on a form prepared by him/her substantially as follows:

"THE CITY OF SEATTLE

Department of Finance and Administrative Services ((~~Executive Administration~~))

Application for ____ Expiring____ 20_____

1. Name of Applicant____

2. Location of Business____ Telephone No.____

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3. Place of Business Known as____

4. Residence Address of applicant____ Telephone Number____

5. State whether Individual, Partnership or Corporation____

6. If Partnership, state the names of all persons sharing in the profits of the business; If a Corporation, give the names of its officers, directors and shareholders, giving title, residence address and phone number of each____ ____

7. How long has the applicant (or if a corporation, its officers) resided in the City of Seattle?____

8. If individual or partnership, state whether applicant is of legal age____

9. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the sale of intoxicating liquor, gambling, or any law or ordinance relating to public morality and decency, or for violating any law or ordinance involving an intent to defraud?____

10. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the use, sale or possession of narcotic drugs?____

11. State whether all persons sharing in the profits of the business are citizens of the United States____

12. Give name of each person sharing in the profits of the business who is not a citizen of the United States____

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13. Do the premises upon which the business or proposed business is to be conducted, comply with the requirements of the Building Code and those relating to health and sanitation?____

14. (If a Theater) Number of Seats____

15. Remarks____

STATE OF WASHINGTON) COUNTY OF KING) ss. CITY OF SEATTLE)

____, being first duly sworn upon oath, deposes and says: I am the above named applicant, and make this affidavit for the purpose of obtaining from the City of Seattle a ____in accordance with the provisions of the License Code. I have personal knowledge of the matter stated in the foregoing application and the statements contained therein are true.

SUBSCRIBED AND SWORN

to before me this _____ day of _____, 20_____

Notary Public in and for

the State of Washington,

residing at Seattle

Director of Finance and Administrative Services ((~~Executive Administration~~))

By____"

B. If the applicant is a partnership, a partner must sign, if a Washington corporation, an officer thereof must sign, and if a foreign corporation authorized to do business in the state, its local manager or resident agent must sign. All applications must be accompanied by a receipt from the Director of Finance and Administrative Services ((~~Executive Administration~~)) showing

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payment of the required fee. The Director shall, as to applications for a new license, and may as to applications for a renewal license, request the Chief of Police to investigate the truth of the statements in the application and all other matters which might tend to aid the Director in determining whether to issue the license. The Chief of Police shall report to the Director as to reasons he or she may have for objecting to the issuance of the license. If the Director is satisfied that the statements in the application are true, that the applicant and all persons connected with the business are of good character, that the premises in which the activity sought to be licensed will be conducted comply with the requirements of all ordinances relating to buildings, fire, health and sanitation, that such premises are situated in a place where such businesses are not prohibited by the Zoning Ordinance[1] or other law, and that all other requirements and conditions of this subtitle and other ordinances relating to such application and to the business for which such license is sought have been met, the Director shall issue the license; otherwise shall deny the same; provided, however, that if the applicant (or if a corporation, any of its officers) has within ten (((~~10~~)))years of the date of application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (((~~10~~)))years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction, no such license shall be issued; provided, further, however, that the Director may waive not to exceed five (((~~5~~)))years of such period upon satisfactory showing by the applicant of rehabilitation.

C. If any license is denied by the Director, the fee paid by the applicant shall thereupon be returned to him/her.

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D. As changes in shareholders, directors and officers of a corporation occur, any application for a license made by or on behalf of such corporation under this section shall be amended by the corporation by notice in writing filed with the Director and failure to comply with such requirement shall be cause for revocation of any license issued to such corporation.

Section 198. Section 6.02.200 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.02.200 Police Department relieved of duty to investigate applications.

The Chief of Police and the Police Department are relieved of the duty to investigate applications for license renewals and all parts of this subtitle (Ordinance 48022) imposing such duty are superseded, provided that this provision shall not preclude the Chief of Police from making such investigation of applicants for license renewal as may be requested by the Director of Finance and Administrative Services ((~~Executive Administration~~)).

Section 199. Section 6.02.210 of the Seattle Municipal Code, as last amended by Ordinance 117169, is further amended as follows:

6.02.210 Application procedure -- Grounds for denial of license.

Application for any City license required by this title, other than those specified in Section 6.02.190 and ((~~Seattle Municipal Code~~)) Chapter 6.42, shall be made to the Director on a form prepared by him or her and shall be accompanied by a receipt ((~~from the Finance Director~~)) showing payment of the required fee. If the application is made within six (((~~(6)~~))months of the date fixed for expiration, the fee shall be ((~~one-half (~~))1/2((~~)~~)) the annual fee. Except as

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hereinafter otherwise provided, the Director, upon receipt of proper application and compliance by the applicant with all conditions and requirements of this title and other ordinances relating to such application and to the business or activity for which such license is sought, shall issue the license; provided, that if after investigation the Director finds good reason to believe that the applicant is dishonest or immoral or desires the license applied for in order to engage in dishonest, unlawful or immoral acts or enterprises or that the premises in which the activity sought to be licensed will be conducted does not comply with the requirements of any ordinance relating to fire, buildings, health and sanitation or is in violation of the Zoning Ordinance,[1] he or she shall deny the license.

Section 200. Section 6.02.290 of the Seattle Municipal Code, last amended by Ordinance 123160, is amended as follows:

6.02.290 Revocation or refusal to renew procedure.

A. Actions to revoke or refuse to renew any license shall be commenced by the Director of Finance and Administrative Services ((~~Executive Administration~~)) by issuing a notice pursuant to subsection 6.02.290.E or by any other person by filing in the office of the Director a written complaint setting forth in specific terms the basis therefor. The Director shall mail a copy of such complaint by certified mail to the licensee at his or her last address as shown by the license records of the Director, and shall be accompanied by a notice that such license may be revoked or not renewed.

B. The licensee shall, within ten days after receiving any such complaint, mail by certified mail to the complainant and file with the Director his or her written answer, which shall

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admit or deny the allegations of such complaint and may set forth such defenses and/or additional matter as the licensee shall deem appropriate.

C. The Director shall conduct an investigation, and if cause exists may revoke or refuse to renew such license; provided, that if the Director finds upon a sufficient showing that the conduct complained of has been corrected and is unlikely to be repeated, he or she may dismiss any such complaint; and provided further, that the complaint shall be dismissed by the Director where the conduct complained of has been corrected under a written agreement between the complainant and licensee approved by the Director.

D. If a complaint has been filed, the Director shall mail to the complainant and to the licensee by certified mail a notice of the action summarizing his or her findings and conclusions. In all cases in which a complaint is dismissed other than upon a written agreement between the complainant and licensee, the complainant may within ten days of the mailing of the notice of the Director's action submit a written request for a hearing together with the appropriate Hearing Examiner filing fee, which the Director shall transmit to the Hearing Examiner.

E. If the Director determines that grounds exist to revoke or refuse to renew a license, the Director shall notify such licensee in writing by certified mail of the revocation or refusal to renew and on what grounds the decision was based. The notice shall include a recital of the licensee's right to an appeal.

F. The licensee may appeal a revocation or refusal to renew by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The licensee must provide a copy of the petition to the Director and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The Hearing Examiner shall

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conduct the hearing in accordance with the procedures for hearing contested cases in ((~~the Seattle Administrative Code (~~))Chapter 3.02 of the Seattle Municipal Code((~~)~~)). The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing, the Hearing Examiner shall, after issuing appropriate findings of fact and conclusions of law, affirm, modify, or overrule the revocation or refusal to renew and reinstate the license. The Hearing Examiner may impose any terms upon the continuance of the license that he or she may deem advisable.

G. If a hearing has been requested by a licensee in connection with the revocation of or refusal to renew a license, the license shall remain in effect pending the determination made as a result of such hearing.

Section 201. Section 6.10.005 of the Seattle Municipal Code, last amended by Ordinance 121932 is amended as follows:

6.10.005 Definitions.

The following definitions as well as the definitions contained in Chapters 5.30 and 10.08 of the Seattle Municipal Code shall be fully applicable to this Chapter 6.10 in its entirety, except as expressly stated to the contrary herein.

A. "Alarm site" means the location at which a subscriber's alarm system is installed.

B. "Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal

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beyond the premises in some other fashion. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. For purposes of this chapter, a system, device, or mechanism primarily protecting a motor vehicle, or one designed to communicate a medical emergency, including but not limited to a panic alarm button or similar device, is not considered to be an alarm system or alarm device.

C. "Alarm system monitoring company," means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, or robbery alarm systems and shall include self-monitored alarm businesses, as defined herein. For purposes of this chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.

D. "Department" means the Department of Finance and Administrative Services ((~~Executive Administration~~)) of the City of Seattle.

E. "False Alarm" means the notification to the Seattle Police Department or Seattle Fire Department concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property

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owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for police response; or

2. There is no indication or presence of a fire on the premises, that warrants a call for assistance from or investigation by the Seattle Fire Department, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for fire response; or

3. The dispatch of police or fire personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police or fire personnel at the alarm site.

F. "Monitoring" means the process by which an alarm system monitoring company receives signals from an alarm system or alarm device.

G. "Self-monitored alarm business" means any person required to obtain a Seattle business license pursuant to ((~~SMC~~)) Section 5.55.030 which elects to internally monitor its own alarm systems or alarm devices and monitors three (((~~(3)~~))or more alarm systems or business locations located within the City limits.

H. "Subscriber" means a person having or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.

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Section 202. Section 6.14.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.14.020 License required -- Certain persons prohibited.

It is unlawful for any person, unless duly licensed so to do pursuant to this chapter, to engage in, or to advertise or hold himself or herself out as being engaged in the private detective business; provided, that no license required by Sections 6.14.030 or 6.14.040 shall be granted to any person who within ten (((~~10~~))years of the date of application for such license has been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (((~~10~~))years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction; provided, further, however, that the Director of Finance and Administrative Services ((~~Executive Administration~~)) may waive not to exceed five (((~~5~~))years of such period upon satisfactory showing by the applicant of rehabilitation.

Section 203. Section 6.14.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.14.090 Surety bond.

Every applicant for a detective agency license at the time the application is made shall furnish to the Director of Finance and Administrative Services ((~~Executive Administration~~)) for filing with the City Clerk, a surety company bond running to the City, in a penal sum of ((~~Two Thousand Dollars (~~))$2,000((~~.00~~))), conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of detective or detective agency.

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Section 204. Section 6.14.100 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.14.100 Private guard license -- Fee.

It is unlawful to engage in the occupation of private guard to prevent theft or unlawful taking of goods, wares, and merchandise or to purport to engage therein without a private guard license, the fee for which shall be ((~~Thirty Dollars (~~))$30((~~.00~~))) per year and which shall expire October 31st of each year. No private guard shall operate except as an employee under a duly licensed detective agency. Application for such license shall be made to the Director of Finance and Administrative Services ((~~Executive Administration~~)) on a similar form and shall follow the same procedure as is provided in Section 6.14.060 hereof for a private detective license; provided, anyone holding a valid merchant's patrol agency license or merchant patrolman's license under Section 6.38.020 of this subtitle shall be exempt from such license requirements.

Section 205. Subsection 6.20.030.A of the Seattle Municipal Code, as last amended by Ordinance 120668, is further amended as follows:

6.20.030 Application; Coordination; Records.

A. Application. A promoter or organizer of a trade show shall apply to the Director of Finance and Administrative Services for a trade show license at least one (((~~1~~)))day before the trade show opens. The application shall identify the trade show, its location and dates, and contain or be supplemented by a listing of the name, address, and business telephone number of each participant, and identify any "used goods dealer" as defined in sub((~~S~~))section 6.288.010

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((-)).H. A participant must be listed in order to be eligible for the exclusion in ((~~Sections~~)) 6.20.050 and 5.55.030((-)).D, and identified as a "used goods dealer" for registration under sub((~~S~~))section 6.20.050(( )).C.

Section 206. Section 6.36.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.36.020 Massage premises, public bathhouse, and reducing salon licenses.

It is unlawful to conduct, manage, operate, or work in any massage premises, public bathhouse, or reducing salon unless such establishment is licensed as provided in this section.

A. Original application for such licenses shall be made and original licenses issued in the manner provided in Sections 6.02.190 and 6.02.210 of this subtitle. All applications for renewal shall be filed with the Director on forms furnished by him/her for such purpose and he/she shall refer the same to the Chief of Police who shall within five (((~~5~~)))days furnish a written report to the Director containing the result of his/her investigation and any other matters which might aid the Director of Finance and Administrative Services ((~~Executive Administration~~)) in determining whether or not to issue the license.

B. The fee for a reducing salon or public bathhouse license is ((~~Three Hundred Forty Dollars ~~())$340((~~.00~~))) per year; the fee for a massage premises license is ((~~Ninety Dollars ~~())$90((~~.00~~))) per year.

C. No such license shall be granted for any massage premises, public bathhouse or reducing salon until inspection and report as to the sanitary condition thereof by the Director of Health to the Director of Finance and Administrative Services ((~~Executive Administration~~)).

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Massage premises, public bathhouses, and reducing salons must be similarly inspected at least once a year when renewal of a license is requested, and must at all times be open to inspections by the City as to sanitary conditions and to enforce compliance with the provisions of this chapter.

D. It is unlawful for the owner, proprietor, manager, or such person in charge of any public bathhouse or reducing salon to employ in such place any person who is not at least ((~~eighteen (~~))18((~~)~~)) years of age and of good moral character.

E. It is unlawful for the owner, proprietor, manager, or such person in charge of any massage premises to employ in such place any person who is not at least ((~~eighteen (~~))18((~~)~~)) years of age.

F. It is unlawful to advertise the giving of massages or public baths by an establishment, massage practitioner or other person not licensed pursuant to this subtitle.

G. A record of all massage treatments showing the date given, the name and address of the recipient, and the name and address of the massage practitioner shall be kept and be open to inspection by the Police Department, ((~~and License~~)) Finance and Administrative Services, and Health Department inspectors at all times.

Section 207. Section 6.36.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.36.030 Massage practitioner's license.

It is unlawful for any person, except as provided in Section 6.36.060, to give a massage or other treatment of the body by rubbing, kneading, or manipulation, whether in a massage premises or

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public bathhouse, or otherwise, without first obtaining a massage practitioner's license, the fee for which is ((~~Thirty-five Dollars ()~~)$35((~~.00~~))) per year. The license application shall be made in the true name of the applicant and shall be accompanied by evidence that the applicant holds a valid State Massage Practitioner's License. If the Director of Finance and Administrative Services ((~~Executive Administration~~)) finds that the information in the application is true and accurate, that the applicant holds a valid State Massage Practitioner's License, and that the applicant has not been convicted of a crime involving or related to prostitution, lewd conduct, or narcotic drugs within the seven (((~~7~~)))years immediately prior to the date of application, the Director shall approve the application and issue the license; otherwise, the Director shall deny the application.

Section 208. Section 6.36.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.36.040 Athletic massage operator's license.

It is unlawful for any person to be employed or work as an athletic massage operator unless such person is licensed as provided in this section:

A. The fee for an athletic massage operator's license is ((~~Thirty-five Dollars ()~~)$35((~~.00~~))) per year.

B. Application for an athletic massage operator's license or for any renewal thereof shall be made to the Director of Finance and Administrative Services ((~~Executive Administration~~)) on forms furnished by him/her for such purpose. It shall state the true name of the applicant, who shall be not less than ((~~eighteen ()~~)18((~~)~~)) years of age, and as to an original application shall be

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accompanied by references as to the moral character and ability of the applicant from four (((~~4~~)))reputable citizens of the City.

C. If the Director finds the application to be in proper form and upon investigation such references to be authentic, he/she shall transmit the same to the Chief of Police.

D. The Chief of Police shall investigate the applicant's reputation and record and transmit such application, his/her written report, and all other reports thereon, to the Director of Health, who shall examine the applicant physically to ascertain if the applicant is free from contagious or infectious disease in a communicable stage and otherwise physically fit to give athletic massages, and shall make a written report thereon.

E. If the Director of Health finds that the applicant is physically competent to give athletic massages he/she shall transmit the application, accompanied by all reports thereon, to the Director of Finance and Administrative Services ((~~Executive Administration~~)). If from the reports the Director of Finance and Administrative Services ((~~Executive Administration~~)) deems the applicant a fit and proper person, he/she shall issue the license; otherwise he/she shall deny the license.

Section 209. Section 6.38.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.38.040 Surety bond.

Every applicant for a merchants patrol agency license shall at the time of application furnish to the Director of Finance and Administrative Services ((~~Executive Administration~~)) for filing with the City Clerk, a surety company bond running to the City, in a penal sum of ((~~Two Thousand~~

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~~Dollars (~~))$2,000((~~.00~~))) conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of merchant patrolman or merchants patrol agency.

Section 210. Section 6.42.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.42.010 Panoram location license.

It is unlawful to display, exhibit, expose or maintain upon any premises, any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a "panoram" or "peepshow," which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase or other charge is paid for using or viewing the panoram or peepshow or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall prescribe the form of such license, number the same and shall indicate thereon the number of such devices to be operated thereunder, and the location.

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Section 211. Section 6.42.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.42.020 Panoram device license.

It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any device described in Section 6.42.010 without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The Director of Finance and Administrative Services ((~~Executive Administration~~)) shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

Section 212. Section 6.42.050 of the Seattle Municipal Code as last amended by Ordinance 117169 is amended as follows:

6.42.050 Inspection of panoram premises.

A. Applicants for any license authorized to be issued under this chapter shall allow the premises and devices sought to be licensed to be inspected in accordance with subsection B of this section by authorized inspectors from the Fire and Police Departments, Seattle-King County Health Department, Department of Planning and Development, and the Department of Finance and Administrative Services((~~Construction and Land Use and Finance Department~~)).

B. Licensees operating premises and devices licensed under this chapter shall hold open for routine regulatory inspections by the City during normal business hours those areas upon the premises which are accessible to the public.

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Section 213. Section 6.48.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.48.040 Signs -- Posting of rates.

A. Except as otherwise provided in subsections B and C of this section, it is unlawful for any person to demand or collect any charge for parking or for keeping or storing any motor vehicle in any public garage or parking lot unless there is erected and maintained at or near each entrance to such public garage or parking lot a permanent sign which is adequate to apprise anyone entering for the purpose of using such garage or parking lot of the following information and conforming to the following standards:

1. The word "park" or "parking" shall be clearly displayed on the sign, and the true or assumed name of the licensee shall be clearly identified at the top or the bottom of the sign, and such signs shall contain no other advertising. Any licensee using a trade or assumed name shall, when applying for a license or renewal thereof, furnish the Director with a certified copy of the filing with the County Clerk showing such trade or assumed name.

2. Signs shall contain numbers and letters indicating the time units and rate or rates for parking which are clearly readable and visible from a distance of ((~~fifty~~ ~~(~~))50((~~)~~)) feet; provided, that, if a rate charged for any time period is higher than the rate usually charged for that time period the higher rate shall be designated on a sign in letters and numbers not less than ((~~one and one-third (1/3)~~)) 1.33 times

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the size of the largest letter or numeral indicating the rate usually charged, and the sign shall clearly indicate that a special rate is being charged.

3. Signs indicating more than one (((~~(1)~~))rate and time interval shall contain figures for each rate and time interval; rates shall be listed with the shortest time interval on the top and the all-day rate on the bottom.

4. Signs shall indicate any hours when the public garage or parking lot is not open for public parking and shall specify the night parking rate or weekend parking rate when such rate(s) differ from regularly posted rates.

5. Signs shall indicate specific hours when a night rate is applicable and/or specific days and hours when a weekend rate is applicable.

6. If any rate other than an all-day rate is to be charged, the maximum rate for all-day parking must be posted.

7. All numbers and letters on such signs shall be of a contrasting color to the background thereon.

8. The bottom line of rate information shall be at least ((~~six (~~))6((~~)~~)) feet above the sidewalk level; provided that it may be lower if rate information cannot be obstructed at any time.

B. As to indoor parking facilities, such signs shall not be required to be erected and maintained at or near each entrance thereof and may alternatively be erected and maintained inside each entrance if:

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1. Such signs are clearly readable and visible from a point within the indoor parking facility and from which point a motor vehicle can immediately and conveniently exit;

2. Such signs conform to the standards set forth in paragraphs 1 through 7 of subsection A, and in addition contain a statement indicating the immediate exit to be taken by a driver desiring to leave after reading the sign; and

3. No charge is demanded or collected for any motor vehicle which immediately exits following the reading of such a sign.

C. As to accessory parking facilities, such signs shall not be required to be maintained at or near the entrances thereof and may alternatively be erected and maintained within or immediately adjacent to each area in which motor vehicles are parked, stored or kept if:

1. Each such sign is clearly readable and visible from all points within each such area; and

2. Each such sign conforms to the standards set forth in paragraphs 1 through 8 of subsection A.

D. It is unlawful for any person to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot in excess of the rates posted; provided, however, that the provisions of this section pertaining to the posting of parking rates shall not apply to rates which are determined by weekly, monthly, or longer periods of time, or to rates determined by written contract.

E. It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot unless there is posted and maintained upon

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the premises of the public garage or parking lot at or near each place of payment, a public notice approved by the Director of Finance and Administrative Services ((~~Executive Administration~~)). Such notice shall contain the following public convenience information:

1. The name and phone number of the licensee and the street address of the garage or lot;

2. Parking rates posted in the same order as listed on the parking sign;

3. The appropriate locations for making payment;

4. The name, address, and telephone number of the person, firm or agent authorized to impound in place or remove vehicles from the garage or lot; and

5. Any other information pertinent to the operation of the public garage or parking lot as specified by administrative regulations promulgated by the Director of Finance and Administrative Services ((~~Executive Administration~~)).

Section 214. Section 6.48.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.48.050 Immobilization of vehicle for delinquent parking fee.

A. It is unlawful for anyone to remove or cause to be removed any part from a motor vehicle to immobilize such motor vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize any motor vehicle parked or stored in a public garage or parking lot in any manner except as provided in this section.

B. For enforcement of a storage lien for parking, keeping or storing such motor vehicle, any licensee, or an employee, agent or contractor of such licensee may immobilize such motor

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vehicle only by the attachment of such external device or devices, approved by the Director of Finance and Administrative Services ((~~Executive Administration~~)) for such purpose, as may be necessary to prevent removal of such vehicle and only if:

1. The person so immobilizing the vehicle shall affix conspicuously to the vehicle a written notice stating the name and address of the person or firm who immobilized the vehicle and the address and telephone number of a person authorized and available to release the vehicle; and

2. The person immobilizing the vehicle, or an agent, employee, or contractor authorized to release the vehicle is accessible at all times at the address and telephone number indicated on the notice; or

3. The licensee or an agent, employee, or contractor of such licensee is on the premises authorized and able to release the vehicle within one (((~~1~~)))hour after the vehicle's owner, operator, or person entitled to its possession shall request its release; and

4. The vehicle is released immediately after tender of payment of posted parking charges due and unpaid at the time of the request for release together with the posted impound fee.

Section 215. Section 6.48.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.48.080 Revocation, suspension or refusal to issue license.

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In addition to such other grounds as may be provided in this subtitle for refusal to issue, revocation or suspension of the license required by Section 6.28.020, the Director of Finance and Administrative Services ((~~Executive Administration~~)) may refuse to issue, or may revoke or suspend such license upon a finding that a licensee has by defraud or misrepresentation, violated any provision of this chapter or any other law, ordinance, rule or regulation.

Section 216. Section 6.102.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.102.020 License required -- Posting.

It is unlawful to operate a tattoo shop or establishment without a tattoo shop license. Applications for such license shall be made to the Director of Finance and Administrative Services ((~~Executive Administration~~)) accompanied by the required fee, and shall be referred to the Chief of Police and the Director of Public Health and shall be returned to the Director within ten (((~~10)~~))days with their report and recommendation. No tattoo shop license shall be issued by the Director except on recommendation of such officers. The tattoo shop license shall at all times be posted in a conspicuous place in the licensed shop.

Section 217. Section 6.102.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.102.070 Recordkeeping.

Permanent records for each patron shall be maintained by the operator of the tattoo shop. Before any tattooing operation starts, the patron shall be required personally to enter on a record form

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provided for such shop the date, his or her name, age, serial number if he or she is in the military ((~~a serviceman~~)), and his or her signature. Such records shall at all times be maintained in the tattoo shop and shall be open at all reasonable times to examination by the Chief of Police and Director of Public Health or the Director of Finance and Administrative Services ((~~Executive Administration~~)). The tattoo operator shall issue a receipt to each patron containing the name and address of the tattoo shop, and the signature of the operator. When the shop is closed by going out of business or by license revocation all such records shall be turned over to the Director of Public Health.

Section 218. Section 6.102.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.102.090 Revocation or suspension of license.

The Director of Finance and Administrative Services ((~~Executive Administration~~)) may revoke or suspend for a specified period any license issued under this chapter for violation of any provision thereof; and shall do so upon recommendation of the Director of Public Health for such reason.

Section 219. Section 6.202.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.202.060 Definitions.

A. Except as specified otherwise in the new license code, the following definitions apply:

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1. "Administrative Code" means the Administrative Code of the City (Ordinance 102228)[1] as now or hereafter amended, or its successor ordinance.

2. "Chief of Police" means the Chief of Police of City of Seattle, or his or her designated representative.

3. "City" means The City of Seattle.

4. "Conviction" means any final judgment of guilty in any court, the imposition of a fine, a plea of guilty or nolo contendere, or a finding or verdict of guilty, regardless whether imposition of sentence is deferred or the penalty is suspended. Any conviction which has been expunged pursuant to the Revised Code of Washington, (RCW) 9.92.066, as now or hereafter amended, or RCW 9.95.240, as now or hereafter amended, is not considered a conviction.

5. "Criminal Code" means the Seattle Criminal Code (Ordinance 102843), [2]((~~2~~)) as now or hereafter amended, or its successor ordinance.

6. "Department" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of the City.

7. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of the City or his/her designated representative.

8. "Hearing Examiner" means the Hearing Examiner of the City or his/her designated representative.

9. "License" means a valid permit required by the new license code in order to engage in a business or occupational activity in the City.

10. "Owner" means:

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a. If a sole proprietorship, the proprietor;

b. If a partnership, a general or limited partner;

c. If a corporation, any person who controls or has the right to control ((~~twenty-five ()~~))25-((~~)~~))percent or more of the stock, assets, or other equity in the corporation;

d. If a marital community, both spouses;

e. If a joint venture, any person who is a coventurer;

f. If a trust, any trustee and, if organized pursuant to RCW Chapter 23.90, as now or hereafter amended, any person who controls or has the right to control ((~~twenty-five ()~~))25-((~~)~~))percent or more of the certificates of the trust;

g. If any other entity, however organized, any person who holds a legal or equitable interest in the entity.

11. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

B. Unless the context clearly indicates otherwise, the singular includes the plural, and the plural includes the singular.

Section 220. Section 6.202.460 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.202.460 Liability insurance.

THIS VERSION IS NOT ADOPTED

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A. In those instances where the new license code requires that the applicant for the license shall provide insurance as a condition of receiving a license the purpose of the requirement is to insure that members of the public and the City will be compensated for losses caused by personal injury or property damage resulting from the tortious acts of the licensee or its agents or employees.

B. Whenever the issuance of a license is conditioned upon an applicant's obtaining liability insurance, each insurance policy:

1. Shall be issued by a company authorized to do business as an insurer in the state pursuant to the provisions of RCW Title 48 as now or hereafter amended; and

2. Shall contain the following recital:

"Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail ((~~twenty ()~~))20((())) days' prior written notice to the Director of Finance and Administrative Services ((~~Executive Administration~~)) The policies shall remain in effect during this ((~~twenty ()~~))20((())) day cancellation period."

3. Shall name The City of Seattle as an additional insured;

4. May be approved as to sufficiency and form by the City Attorney at the request of the Director; and

5. Shall be furnished to the Director for filing with the City Clerk.

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Section 221. Section 6.222.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.222.010 Definitions.

For the purposes of this chapter:

A. "Customer" means any prospective tenant contracting with a rental agency for the performance of such agency's services.

B. "Department" means the Department of Finance and Administrative Services ((~~Executive Administration~~)) of the City.

C. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of the City or any authorized representative of the Director.

D. "Housing accommodation" or "accommodations" includes any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one (((~~1~~)))or more human beings.

E. "Landlord" means the owner of a housing accommodation or other persons authorized or empowered to rent such housing accommodation to others.

F. "Rental agency" means any individual, partnership, firm, corporation, company, society, association, or other group or organization whether organized for profit or nonprofit, who for compensation from the prospective tenant, collects, offers, and/or distributes information as to housing accommodations, without substantially participating as an intermediary in negotiation of rents, terms, conditions, or other provisions of individual leases or rental agreements or entering into rental agreements on behalf of or representing the prospective tenant.

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Section 222. Section 6.270.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.270.030 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

A. "Adult entertainment" means any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who:

1. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or

2. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.

B. "Adult entertainment premises" means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member; but does not include that portion of an establishment licensed or required to be licensed as a "panoram" or "peepshow" under the provisions of ((~~Seattle Municipal Code~~)) Chapter 6.42.

C. "Department" means the Department of Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle.

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D. "Director" means the Director of Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle and shall include his or her authorized representatives.

E. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult entertainment premises.

F. "Entertainer" means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

G. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

H. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

I. "Natural person" means any individual.

J. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

L. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

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M. "Reckless" or "recklessly" means a person knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Section 223. Section 6.270.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.270.040 Adult entertainment premises license.

A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the Director of Finance and Administrative Services ((~~Executive Administration~~)) a license to do so, to be designated an "adult entertainment premises license."

B. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment premises.

Section 224. Section 6.270.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.270.050 License for managers and entertainers.

Commencing December 5, 1988, it shall be unlawful for any person to work as an entertainer or manager at an adult entertainment premises without having first obtained from the Director of Finance and Administrative Services ((~~Executive Administration~~)) a license to do so, to be

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designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

Section 225. Section 6.270.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

6.270.070 License applications.

A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director of Finance and Administrative Services ((~~Executive Administration~~)), and shall require the following information:

1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;

2. The business name, address and telephone number of the establishment;

3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;

4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;

5. Addresses of the applicant for the five (((~~5~~)))years immediately prior to the date of application;

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6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;

7. A description of the business, occupation, or employment of the applicant for the three (((~~(3)~~))years immediately preceding the date of application;

8. Such license shall include the name of at least one (((~~(1)~~))natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.

9. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

B. Manager's or Entertainer's License. All applications for an adult entertainment manager's license or adult entertainer's license shall be signed by the applicant and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director, and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining;

2. The name and address of each business at which the applicant intends to work as a manager or entertainer;

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3. The applicant shall present documentation that he or she has attained the age of ((~~eighteen (~~))18((~~)~~)) years. Any of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth,

b. A state-issued identification card bearing the applicant's photograph and date of birth,

c. An official passport issued by the United States of America,

d. An immigration card issued by the United States of America,

e. Any other picture identification bearing the applicant's photograph and date of birth issued by a governmental agency, or

f. Such other form of identification as the Director deems, by rule, to be acceptable;

4. Failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

Section 226. Section 6.295.040 of the Seattle Municipal Code, last amended by Ordinance 120889 is amended as follows:

6.295.040 Definitions.

For purposes of this chapter, the following definitions shall apply:

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A. "All-ages dance" means any public dance at (1) which persons under age ((~~eighteen~~ ~~(~~))18((~~)~~)) years are allowed or permitted to attend or (2) at which each patron is not required to show valid picture identification, showing that patron's date of birth, as a condition of entry.

B. "All-ages dance venue" means any place or premises where an all-ages dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas or the premises accessible to the public during the dance.

C. A "concert" is any event at which live music is played or sung, and at which the primary purpose of the person conducting or operating the event is for patrons to view a musical performance.

D. A "dance" is any event at which the primary purpose of the person conducting or operating the event is for patrons to dance as that term is commonly defined. However, a "dance" shall not be defined to include an event that is a "concert" as that term is defined by this chapter.

E. "Department" means the Department of Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle.

F. "Director" means the Director of ((~~the Department of~~)) Finance and Administrative Services ((~~Executive Administration~~)) of The City of Seattle, or his or her designated representative.

G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section 12A.04.030.B.

H. "On-site manager" is the person present at an all-ages dance or all-ages dance venue who is responsible for the direct operation and oversight of the dance or venue and supervision of other employees or workers.

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I. "Person" includes any natural person and, in addition, a company, corporation, partnership, governmental entity non-profit group or unincorporated association.

J. "Public dance" means any dance that is readily accessible to the public.

Section 227. Section 6.310.110 of the Seattle Municipal Code, last amended by Ordinance 122763 is amended as follows:

6.310.110 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

A. "Affected licensee" means any licensee that may incur some penalty as a result of a violation. For example, if a for-hire driver of a taxicab commits a violation, the for-hire driver, the taxicab owner, and the taxicab association with which that taxicab is associated are all affected licensees.

B. "Affiliated taxicab" means a taxicab licensed to operate within a particular taxicab association.

C. "Approved mechanic" means a mechanic on a list maintained by the Director. The list shall contain the name of each mechanic that has applied to the Director for inclusion and who (1) has met all requirements of the National Institute for Automotive Service Excellence, (2) has been awarded a Certificate in Evidence of Competence satisfactory to the Director, (3) does not own, lease or drive a taxicab or for-hire vehicle, and (4) has no financial interest, including any employment interest, in any taxicab association, taxicab or for-hire vehicle or in any company that owns or leases taxicabs or for-hire vehicles.

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D. "Certificate of Safety" means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in regulations adopted pursuant to this chapter.

E. "Committed a violation" means that a licensee has been issued a Notice of Violation and either has not contested the violation or did contest the violation but lost.

F. "Community Development Financial Institution" means a non-profit loan fund certified by the Community Development Financial Institution Fund of the U.S. Department of the Treasury, that serves economically distressed communities and underserved populations by providing credit, capital and financial services that are normally unavailable from traditional financial institutions.

G. "Contract rate" means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the services identified in the contract. Contracts for package delivery may be made on an oral basis.

H. "Department" means the Department of Finance and Administrative Services((~~Executive Administration~~)) of The City of Seattle, or any department that succeeds to the Department's duties under this chapter.

I. "Director" means the Director of Finance and Administrative Services((~~Executive Administration~~)) or the director of any successor department and the Director's authorized designee.

J. "For-hire driver" means any person in physical control of a taxicab or for-hire vehicle, who is required to be licensed under this chapter. The term includes a lease driver, owner/operator, or employee who drives taxicabs or for-hire vehicles.

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ENS CITY CLERK

K. "For-hire vehicle" means any motor vehicle used for the transportation of passengers for compensation, except:

1. Taxicabs as defined in this chapter;

2. School buses operating exclusively under a contract to a school district;

3. Ride-sharing vehicles under Chapter 46.74 RCW;

4. Limousine carriers licensed under Chapter 81.90 RCW;

5. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under Chapter 81.66 RCW;

6. Vehicles used by auto transportation companies licensed under Chapter 81.68 RCW;

7. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and

8. Vehicles licensed under, and used to provide "charter party carrier" and "excursion service carrier" services as defined in, and required by, Chapter 81.70 RCW.

L. "Handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped persons include ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities.

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It also includes a semiambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

M. "Knowingly permit" means (1) to know of an action or condition that violates this chapter or any regulation promulgated pursuant to this chapter, and (2) to fail to take reasonable steps to cure the violation and to prevent future violations. There is a rebuttable presumption that a person knows a fact, action or condition of which a reasonable person in the same position would have knowledge.

N. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor who has leased a taxicab or for-hire vehicle from a taxicab or for-hire vehicle licensee or taxicab association.

O. "Lender" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law and includes a Community Development Financial Institution qualified and approved by the Director to provide loans to licensees under ((~~SMC~~))Section 6.310.380.

P. "Lessor" means a licensee of a taxicab or for-hire vehicle who leases to a lease driver.

Q. "Licensee" means any person or entity licensed under this chapter, including for-hire drivers, taxicab or for-hire vehicle owners, and taxicab associations.

R. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires are not considered motor vehicles for purposes of this chapter.

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S. "Operating in The City of Seattle" means owning, leasing, advertising, driving, occupying and/or otherwise using a taxicab or for-hire vehicle that at any time transports any passenger or item for compensation from a point within the geographical confines of The City of Seattle. The vehicle is considered to be operating during the administering of inspections at the City's inspection facility. The term does not include being in control of a vehicle that is physically inoperable. A taxicab association is "operating in The City of Seattle" if it represents or includes any taxicab that at any time transports any passenger or item for compensation from a point within the geographical confines of The City of Seattle.

T. "Owner" means the person whose lawful right of possession of a taxicab or for-hire vehicle has most recently been recorded with the state Department of Motor Vehicles.

U. "Senior Citizen" means any person over the age of ((~~sixty (~~))60((~~)~~)) with a valid identification confirming that person's age.

V. "Special rate" means discounted rates for senior citizens and handicapped persons.

W. "Taxicab" means every motor vehicle:

1. That is held out to the public as providing transportation to passengers or articles for hire;

2. Where the route traveled or destination is controlled by the customer;

3. That carries signs or indicia of a taxicab, including the words "taxi," "taxicab," or "cab"; and

4. Where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate permitted under this chapter. Despite the foregoing,

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"taxicab" does not include those vehicles listed in ((~~SMC~~))Section 6.310.110 J2-J8 or for-hire vehicles.

X. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least ((~~fifteen (~~))15((~~)~~)) taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least ((~~fifteen (~~))15((~~)~~)) taxicabs and otherwise meets the requirements of this chapter; provided, that for taxicab associations formed in connection with the wheelchair accessible taxicab demonstration project provided for under this chapter, the Director may waive the requirement for such taxicab associations to have ((~~fifteen (~~))15((~~)~~)) licensed taxicabs and any taxicab association license fee for the duration of the demonstration project.

Y. "Taxicab association representative" means the person or persons that a taxicab association has authorized to:

1. File applications, special contract rates and charges on behalf of the taxicab association and individual owners in the taxicab association; and

2. Receive and accept all correspondence and notices from the City pertaining to the taxicab association, or to the taxicabs, taxicab owners and/or for-hire drivers operating within the taxicab association; and

3. Forward any correspondence, notices and/or legal process received by the association and intended for a taxicab owner and/or taxicab driver operating within the taxicab association.

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Z. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such calculated charges shall be indicated by means of figures.

AA. "Wheelchair accessible taxicab" means a taxicab designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), and inspected and approved by the Director.

Section 228. Section 6.315.020 of the Seattle Municipal Code, last amended by Ordinance 120794 is amended as follows:

6.315.020 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

A. "City" means The City of Seattle.

B. "Conviction" or "convicted" means a final judgment of guilty in any court; the imposition of a fine; a plea of guilty or nolo contendere in any court; or a finding or verdict of guilty, regardless whether imposition of a sentence is deferred or the penalty is suspended. Any conviction which has been expunged pursuant to the Revised Code of Washington (RCW) 9.92.066, as now or hereafter amended, or RCW 9.95.240, as now or hereafter amended, is not considered a conviction.

C. "Department" means the Department of Finance and Administrative Services((~~Executive Administration~~)) of The City of Seattle, or any department that succeeds to

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the Department of Finance and Administrative Services'((~~Executive Administration's~~)) duties under this chapter.

D. "Director" means the ((~~d~~))Director of ((~~the Department of~~)) Finance and Administrative Services((~~Executive Administration~~)) or any successor department or the ((~~d~~))Director's authorized designee.

E. "Equine diaper" means a bag or receptacle used to contain fecal droppings and placed in the area of the rear of the horse in such a manner that it will contain all fecal droppings deposited from the horse.

F. "For-hire" means, for the purposes of this chapter, the operation or use of a horse-drawn carriage for compensation.

G. "Horse" or "carriage horse" means an animal of the genus/species equus caballus and equus asinus, which includes horses, mules and donkeys.

H. "Horse-drawn carriage" or "carriage" means a vehicle intended to be drawn by a horse and in which any person may be transported or carried.

I. "Horse-drawn carriage driver" or "driver" means a person operating or driving a horse-drawn carriage for hire.

J. "Licensee" means a person who has a license issued pursuant to this chapter, whether or not the license is subsequently suspended or revoked.

K. "Operate" means to advertise or hold oneself out for business, drive, use, manage, or occupy a horse-drawn carriage that at any time transports any passenger or property for compensation within the city limits of The City of Seattle.

L. "Person" means a natural person, partnership, corporation or other legal entity.

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M. "Vehicle" for the purposes of this chapter, means a device with at least two wheels, designed and intended to be drawn by a horse, and in or by which any person or property may be transported.

N. "Veterinarian" means a practicing veterinarian licensed by The State of Washington.

Section 229. Section 7.04.130 of the Seattle Municipal Code, last amended by Ordinance 122845, is amended as follows:

7.04.130 Director of Finance and Administrative Services ((~~Executive Administration~~)) designated as City Sealer.

There shall be a City Sealer of Weights and Measures, referred to in this Code as the City Sealer. The Director of Finance and Administrative Services ((~~Executive Administration~~)) ("Director") shall be the City Sealer. There shall be such other necessary Deputy Sealers and technical and clerical personnel, as the City Council may from time to time authorize who shall be appointed by the Director ((~~of Executive Administration~~)) subject to Civil Service laws and regulations.

Section 230. Section 7.04.570 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

7.04.570 Weighmaster license -- Application, issuance and fee.

Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the City Sealer (((~~Director of Executive~~

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~~Administration~~))) to be appointed a Licensed City Weighmaster. If the scale is approved by the City Sealer, he or she may in his or her discretion so appoint the applicant and shall issue a City Weighmaster license in accordance with such appointment. The annual fee for such license shall be ((~~Forty Dollars ()~~)$40((~~00~~))) which shall accompany the application, and all such licenses shall expire at midnight April 30th of each year, but may be renewed from year to year by the City Sealer upon payment of the annual fee. If the original application for a City Weighmaster's license and/or a City Weigher's license is made within six (((~~6~~)))months of the date fixed for expiration of the annual license, the fee shall be ((~~one-half ()~~)1/2~~)~~))) the annual fee.

Section 231. Section 7.04.645 of the Seattle Municipal Code, last amended by Ordinance 122845, is amended as follows:

7.04.645 Registration -- Fees.

A. Except as provided in subsection F of this section, no weighing or measuring instrument or device, or electronic price scanning system, may be used for commercial purposes in the city unless its commercial use is registered annually with ((~~The City of Seattle~~)) Department of Finance and Administrative Services((~~Executive Administration~~)).

B. The annual registration with ((~~The City of Seattle~~)) Department of Finance and Administrative Services((~~Executive Administration~~)) for weighing or measuring instruments or devices is accomplished as part of the State of Washington master license system under RCW Chapter 19.02. Payment of an annual registration fee for a weighing or measuring instrument or device under the State of Washington master license system constitutes the registration required by this section. The annual registration with ((~~The City of Seattle~~)) Department of Finance and

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Administrative Services ((~~Executive Administration~~)) for electronic price scanning systems is accomplished as part of ((~~The City of Seattle~~)) the annual business license requirement under ((~~Seattle Municipal Code~~)) Section 5.55.030. Payment of the registration fee with the annual business license application or renewal constitutes the registration required by this section.

C. The following annual City registration fees must be paid for each weighing or measuring instrument or device used for commercial purposes in The City of Seattle:

1. Weighing devices:

a. Small scales "zero to ((~~four hundred (~~))400((~~)~~)) pounds capacity"....$10((~~.00)~~)

b. Intermediate scales "((~~four hundred one (~~))401((~~)~~)) pounds to ((~~five thousand(~~)5,000((~~)~~)) pounds capacity"....$40((~~.00~~))

c. Large scales "over ((~~five thousand (~~))5,000((~~)~~)) pounds capacity"....$75((~~.00~~))

d. Railroad track scales....$800((~~.00~~))

2. Liquid fuel metering devices:

a. Motor fuel meters with flows of ((~~twenty (~~))20((~~)~~)) gallons or less per minute....$10((~~.00~~))

b. Motor fuel meters with flows of more than ((~~twenty (~~))20((~~)~~)) but not more than ((~~one hundred fifty (~~))150((~~)~~)) gallons per minute....$32((~~.00~~))

c. Motor fuel meters with flows over ((~~one hundred fifty (~~))150((~~)~~)) gallons per minute....$50((~~.00~~))

3. Liquid petroleum gas meters:

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a. With ((~~one ()~~))1-((~~)~~))inch diameter or smaller dispensers....$25((~~.00~~))

b. With greater than ((~~one ()~~))1-((~~)~~))inch diameter dispensers....$50((~~.00~~))

4. Fabric meters....$10((~~.00~~))

5. Cordage meters....$10((~~.00~~))

6. Mass flow meters....$200((~~.00~~))

7. Taxi meters....$25((~~.00~~))

D. The following annual City registration fees must be paid for each electronic price scanning system used for commercial purposes in The City of Seattle:

1. Electronic price scanning systems with three (((~~3~~)))or fewer electronic pricing devices....$150((~~.00~~))

2. Electronic price scanning systems with more than three (((~~3~~)))electronic price scanning devices....$300((~~.00~~))

E. The fees established in subsection C for registering a weighing or measuring instrument or device shall be paid to the State of Washington Department of Licensing concurrently with a master application or with the annual renewal of a master license under RCW Chapter 19.02. The fees established for electronic pricing systems in subsection D shall be paid with The City of Seattle annual business license application or renewal.

F. A weighing or measuring instrument or device, or electronic price scanning system, shall be initially registered with ((~~The City of Seattle~~)) Department of Finance and Administrative Services((~~Executive Administration~~)) as follows: A weighing or measuring device is initially registered through The State of Washington Department of Licensing at the time the owner applies for a master license for a new business or at the first renewal of the

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license that occurs after the instrument or device is first placed into commercial use. An electronic price scanning system is initially registered through ((~~The City of Seattle~~)) Department of Finance and Administrative Services((~~Executive Administration~~)) when the owner applies for an initial business license or the first renewal of the business license after the instrument or device is first placed into commercial use.

G. The State of Washington Department of Licensing shall remit to The City of Seattle, through The State of Washington Department of Agriculture, all fees collected under this section less reasonable collection expenses.

H. With the exception of Section 7.04.650, no person shall be required to pay more than the fee adopted under this section for any weighing or measuring instrument or device, or electronic price scanning system, in one (((~~(1)~~))year.

I. A person who owns a weighing or measuring instrument or device, or electronic price scanning system, and uses or permits its use for commercial purposes without registration as provided in subsection A is subject to a civil penalty of ((~~Fifty Dollars (~~))$50((~~)~~)) per occurrence for each instrument or device, or system, used or permitted to be used.

Section 232. Section 7.04.650 of the Seattle Municipal Code as last amended by Ordinance 120181 is amended as follows:

7.04.650 Request for service.

A. "Special inspection service," as used in this Code, shall denote all inspection service made on the owner's request. Special inspection service fees are additional to the fees required

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under the annual registration. Special inspection service fees are to be paid directly to The City of Seattle Department of Finance and Administrative Services((~~Finance~~)).

B. The fees for special inspection service shall be as follows: $30((~~.00~~)) PER HOUR OF INSPECTOR TIME WITH A ONE (((~~1~~)))HOUR MINIMUM.

All inspections will result in an invoice to the owner for each hour of inspection per inspector. The invoice shall reflect time spent per inspector, to include preparation and travel time to the site with any time spent past an hour billed to the next quarter hour. EXAMPLE: If two (((~~2~~))) inspectors took one (((~~1~~)))hour and ((~~twenty (~~))20((~~)~~)) minutes to complete an inspection, the invoice would total ((~~Ninety Dollars (~~$90~~)~~)) (two (((~~2~~)))inspectors at ((~~)~~)1.5 hours each).

Section 233. Section 7.08.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

7.08.010 Purpose of chapter -- Enforcement.

This entire chapter shall be deemed an exercise of the police power of the state and of the City for the protection of the public economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose. It shall be the duty of the Director of Finance and Administrative Services((~~Executive Administration~~)) concurrently with the Chief of Police to enforce this chapter.

Section 234. Section 7.20.080 of the Seattle Municipal Code, last amended by Ordinance 121468, is amended as follows:

7.20.080 Moorage fee increases -- Hearing.

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A. A moorage owner seeking a moorage fee increase shall give the floating home owners affected thereby a written notice, at least ((~~thirty (~~)) 30(()) days before the increase will go into effect, stating the amount of the increase, financial computations demonstrating the need for the increase, and the effective date of the increase. If the proposed moorage fee increase is to be based, in whole or in part, on a cost basis established by a sale, lease or other transaction concerning the moorage property or facilities, then the notice shall include identification of the parties to the transaction, all material terms of the transaction and an explanation as to whether and how the transaction resulted in a genuine change in control of the property or facilities so as to justify the use of a new cost basis.

B. If at least ((~~one-half (~~))1/2(()) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus ((~~one percentage point (~~))one percent ((~~%~~))) believe that the demanded fee increase is unreasonable, they may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within ((~~fifteen (~~))15(()) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review shall pay a filing fee of ((~~Twenty-five Dollars (~~)) $25((~~.00~~))) per petitioner, with a maximum fee of ((~~Seventy-five Dollars (~~)) $75((~~.00~~))), to the

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((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)), which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

C. The Hearing Examiner's review shall to the extent possible be based upon written memoranda, sworn statements, and affidavits submitted by the parties. The moorage owner shall, as soon after the filing of the petition as practicable, file with the Hearing Examiner and serve upon the petitioning floating home moorage site lessees or their representative, a memorandum and any necessary affidavits or sworn statements in support of the proposed increase. The floating home moorage site lessees shall submit a responsive memorandum and affidavits within ((~~fifteen (~~))15((~~)~~)) days of receipt of the moorage owners' submission. The Hearing Examiner shall review the memoranda, affidavits, and sworn statements and advise the parties in writing of: (1) the legal and factual issues to be resolved; (2) the time and place for the hearing; and (3) the length of time that each party will have to present his or her case. In connection with such review the Hearing Examiner may require any party to the proceedings to provide any information needed to determine whether the demanded moorage fee increase is reasonable. Either party's failure to provide information requested by the Hearing Examiner may, at the Hearing Examiner's discretion, result in a finding or findings against the party refusing to provide the information as regards facts that could be proved or disproved by the requested information.

D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a

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fair and reasonable return to the moorage owner and shall order such increase as is found necessary to assure a fair and reasonable return. In making the determination, the Hearing Examiner, in addition to any other factors deemed relevant, shall consider the following factors: (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to establish the cost basis for the moorage; (b) increases or decreases since the last moorage fee increase in the expenses of operation and maintenance of the floating home moorage; provided, that such expenses are for services, repairs, property maintenance, or any other expenses which are reasonable and necessary for the continued operation of a floating home moorage; (c) the reasonable costs of capital improvements since the last moorage fee increase to the floating home moorage property which benefit the floating home owners occupying moorage sites at the floating home moorage; (d) increases or decreases since the last moorage fee increase in necessary or desirable services furnished by the floating home moorage owner or operator, where such increased or decreased services affect the person or persons initiating the fact-finding proceedings; (e) substantial deterioration since the last moorage fee increase in the facilities provided for the occupants of moorage sites at such floating home moorage due to failure of the moorage owner or operator to perform ordinary repairs, replacement and maintenance of the floating home moorage property and improvements; (f) comparability with moorage fees charges for other floating home moorage sites in the City; and (g) a reasonable return on leased land.

2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the moorage are cited as a factor in demonstrating that a rent increase or any part thereof is necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing

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Examiner may rely on this factor as supporting a rent increase or any part thereof only if the moorage owner demonstrates at hearing that the sale or other transaction relied upon resulted in a genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

E. No contested moorage fee increase shall take effect until approved by the Hearing Examiner's written decision; provided that the moorage owner or operator may recover retroactively from the date of the notice of the increase, with interest at the prevailing rate for United States Treasury bills on the date of the decision, such increases as are found reasonable by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand, charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner for a period of one (((~~1~~)))year from the effective date of any permitted fee increase, unless the moorage owner can show either that extraordinary damage to the moorage occurring after the decision has necessitated cost increases which make it impossible to realize a reasonable return without a fee increase, or that the floating home owner has rented the floating home to another at a profit; provided, that moorage owners may increase fees in the amount of any increases in state lease or City license fees whenever such increases are incurred, and may increase fees for the purpose of recovering the costs of capital improvements authorized by Section 7.20.090, whenever such improvements are required. Any fee increase necessitated by extraordinary damage shall be subject to Hearing Examiner review whenever such review is requested by at least ((~~one-half (~~))1/2((~~)~~)) of the floating home moorage site lessees affected, any other provision in this chapter to the contrary notwithstanding.

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Section 235. Section 7.25.040 of the Seattle Municipal Code, last amended by Ordinance 122213, is amended as follows:

7.25.040 Billing requirements -- Submeter testing fee.

A. Notwithstanding the prohibition against submetering electric service in Section 21.49.100.((F))G((.))), a landlord may, itself or through a third party billing agent, bill tenants for master metered or other unmetered utility services, including electric service provided to tenants of multi-unit buildings, provided that the following requirements are met:

1. Notice. Billing practices may be adopted only upon advance written notice to a tenant as part of a new or renewed rental agreement. Tenants must receive such written notice at least 90 days before expiration of their rental agreements, or, in the case of month-to-month tenancies, at least 90 days before any such billing practices may become effective. Notwithstanding the foregoing two sentences, if billing practices are already in place at the time the ordinance codified in this chapter becomes effective, written notice must be given within 30 days of the effective date of the ordinance codified in this chapter.

2. Methodology. The notice required under section A.1 above must include a copy of this chapter and a detailed written disclosure of the methodology used by the billing agent to allocate the charges to each tenant, including the methodology used to allocate utility services for common areas of the building, along with all other terms and conditions of the billing arrangement. If submetering is used, the notice required under section A.1 shall also include descriptions of the location of the submeter and of the access requirements, if any, required by the landlord for

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access to tenant units for submeter installation, reading, repair, maintenance, or inspections, including removal of the submeter for testing, consistent with the provisions of RCW 59.18.150 of the RLTA. An additional written notice must also be given at least 30 days prior to the due date of the next rental payment in order to implement a change in billing agents, apportionment methodology, fees, or other terms and conditions of the billing arrangement.

3. Posting of Information.

a. In addition to the written notification required by subsection A.2. above, any landlord employing billing practices shall post in a conspicuous public space in the interior of the building copies of the three most current utility bills for master metered or other unmetered utility services provided to the building as a whole that are included in the bill sent to the tenant, together with a written description of the methodology used to allocate each such utility service and a copy of this chapter.

b. Where such posting is physically impracticable due to the absence of a suitable conspicuous public space, a landlord may satisfy this posting requirement by hand-delivering or mailing to tenants a paper copy of the written notification required by subsection A.2, together with a written description of the methodology used to allocate each such utility service and a copy of this chapter. In lieu of posting the three most current utility bills for master metered or other unmetered utility services provided to the building as a whole that are included in the bill sent to the tenant, the

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landlord must make such utility bills available upon request within ((~~5~~))five business days and must inform tenants in the written notification required by subsection A.2 of the method by which they may request such utility bills.

c. Landlords shall keep bills for master metered or other unmetered utility services on file in the building for at least two years and shall make such bills available to tenants for inspection and copying upon request. Where it is physically impracticable to keep such bills on file due to the absence of a suitable office or other storage space, a landlord may store the bills in another location and must make such bills available within 5 business days of receiving a request from a tenant.

4. Limitations on Charges. The total of all charges for any utility service included in the bills sent to all units cumulatively shall not exceed the amount of the bill sent by the utility itself for the building as a whole, less any late charges, interest or other penalties owed by the landlord, with the exception of the following, which may be included in each bill covering an independent unit within the multi-unit building:

a. A service charge of no more than $2 per utility per month, not to exceed a cumulative service charge of $5 per month for all the utilities included in any bill.

b. Late payment charges of no more than $5 per month plus interest at a rate not to exceed ((~~1%~~)) one percent per month,

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which late payment charge shall not accrue until at least 30 days after the tenant receives the bill.

c. Insufficient funds check charges for dishonored checks, not to exceed $31 per dishonored check.

5. Licensing of Third Party Billing Agents. Any third party billing agent must be properly registered and licensed to do business in the State of Washington and City of Seattle and must be in compliance with all applicable Washington state and Seattle laws and regulations, and all applicable Washington and Seattle license identification numbers, if any, must be disclosed upon request.

6. Content of Bills. Each billing statement sent to a tenant by a billing entity must disclose all required information in a clear and conspicuous manner and at minimum must:

a. Include the name, business address & telephone number of the billing entity;

b. Identify and show the basis for each separate charge, including service charges and late charges, if any, as a line item, and show the total amount of the bill;

c. If the building units are submetered, include the current and previous meter readings, the current read date, and the amount consumed (or estimated to have been consumed if Seattle Public

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Utilities or Seattle City Light has provided the landlord with an estimated bill);

d. Specify the due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which such late charges or penalties may be imposed;

e. Identify any past due dollar amounts;

f. Identify a mailing address and telephone number for billing inquiries and disputes, identify the entity responsible for resolving billing inquiries and disputes and its business hours and days of availability, and describe the process used to resolve disputes related to bills as set forth in this chapter; and

g. Include a statement to the effect that "this bill is from [landlord name] and not from Seattle Public Utilities or Seattle City Light."

7. Protection of Personally Identifiable Information.

a. A third party billing agent who prior to the effective date of this ordinance has obtained a tenant's personally identifiable information shall take such actions as are necessary to protect such personally identifiable information and to prevent its use or disclosure except as expressly permitted in this chapter.

b. A third party billing agent who prior to the effective date of this ordinance has obtained a tenant's personally identifiable

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information may disclose such personally identifiable information only to the extent necessary to render its billing services.

c. To the extent required by federal, state, or local law, a billing entity may disclose personally identifiable information in its possession (i) pursuant to a subpoena or valid court order authorizing such disclosure, or (ii) to a governmental entity.

8. Estimated Billing. If Seattle Public Utilities or Seattle City Light has billed the landlord using an estimate of utility service consumed, the billing agent may estimate the charges to be billed to tenants until billing based on actual consumption resumes. Upon receipt of a corrected bill showing that the estimated bill overstated charges, the landlord must refund the difference to tenants. Upon receipt of a corrected bill showing that the estimated bill understated charges, the landlord may attempt to recover the underpayment from the tenants that actually incurred the charges during the billing period, but shall not attempt to recover an underpayment from a tenant who did not reside in the unit during the billing period in which the charges were incurred.

9. Submetering. Submetering is permitted as a way of allocating master metered utility services to tenants provided the following conditions are met:

a. The submeters must be read prior to each billing.

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b. A landlord may not enter a unit without, and a tenant may not unreasonably withhold, consent to enter the unit in order to perform submeter installation, reading, repair, maintenance, and inspection, including removal of the submeter for testing, provided, however, that a landlord may enter a unit without a tenant's consent in the case of a submeter leak or emergency related to that unit's submeter.

c. (i) The accuracy tolerance for the maximum flow rate shall be within ((~~one and one-half (~~))1.5_((~~)~~)) percent for all submeter types. The accuracy tolerance for the minimum flow rate shall be within ((~~three (~~))3_((~~)~~)) percent for Multi-jet submeter types, and within a ((~~one and one-half (~~))1.5((~~)~~)) percent over-registration and a ((~~five (~~))5_((~~)~~)) percent under-registration for other than Multi-jet submeter types.

(ii) If a tenant contests the accuracy of the submeter, the tenant shall have the option of demanding that the City of Seattle provide an independent test of the meter through the Department of Finance and Administrative Services((~~Executive Administration~~)). If the meter reads within these ranges of accuracy, the tenant requesting the test shall pay the meter test fee. If the meter reads outside these ranges of accuracy, the landlord shall pay the meter test fee and within ((~~thirty (~~))30((~~)~~)) days refund any overpayments

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for the past three (((~~(3)~~))months based on a recalculation of the past year's billings by correcting for the inaccuracy of the submeter. Submetering thereafter shall only be permitted with a repaired submeter.

(iii) The meter test fee for each test of a submeter pursuant to this subsection shall be ((~~Sixty-five Dollars (~~))$65((~~)~~)).

B. Nothing in this section shall be construed to prevent a landlord from addressing billing of master metered or other unmetered utility services in a written addendum to a lease. A lease addendum may be used to give the notice required under subsection A.1 of this subsection, so long as the lease addendum is provided to the tenant with the notice required under that subsection, and so long as all other requirements of this chapter are satisfied.

Section 236. Section 7.26.060 of the Seattle Municipal Code, last amended by Ordinance 121594, is amended as follows:

7.26.060 Administration and enforcement.

The Director of ((~~the Department of~~)) Finance and Administrative Services((~~Executive Administration~~)) ("Director") shall enforce and administer this chapter, and is hereby authorized to adopt procedures for its implementation. The Director and the Director's duly authorized agents are authorized to enter the premises of any facilitator and inspect all disclosures, postings, and other relevant documents for the purpose of determining compliance with this chapter. The Director and the Director's duly authorized agents are authorized to issue citations for violations of this chapter.

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Section 237. Section 9.25.020 of the Seattle Municipal Code, last amended by Ordinance 121178, is amended as follows:

9.25.020 Definitions -- A -- E.

As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

A. "Abandon" means the act of leaving an animal:

1. Without food, water, or care for ((~~twenty-four (~~))24((~~)~~)) hours or more; or

2. In a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

B. "Alter" means to permanently render an animal incapable of reproduction.

C. "Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

D. "Animal Control Officer" means any person who is employed with the Animal Control section of the Department or appointed by the Director for the purpose of aiding in the enforcement of any ordinance, or relating to the licensing control, quarantine, seizure or impoundment of animals.

E. "At large" means a dog or other animal inside The City of Seattle, off the premises of the owner, and not under control by a leash of ((~~eight (~~))8-((~~)~~))feet in length or shorter. "At large" does not include an animal on property other than the animal's owner with the permission of a lawful occupant of that property.

F. "City" means The City of Seattle.

G. "Dangerous animal" means any animal:

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(1) That, when unprovoked, inflicts severe injury on or kills a human being or domestic animal on public or private property;

(2) Whose owner has been previously found to have committed a civil violation of 9.25.084.G or has been convicted of a crime under 12A.06.060 of the Seattle Municipal Code and whose owner is found to have committed a violation of either 9.25.084.G or 12A.06.060 of the Seattle Municipal Code with respect to the behavior of that same animal;

(3) That, under circumstances other than as described in subsection G(2) above, has been the subject of one or more findings that its owner has committed a civil violation of 9.25.084.G or has been convicted of a crime under 12A.06.060 of the Seattle Municipal Code, whether involving the same or a different owner, whose owner is found to have committed a violation of either 9.25.084.G or 12A.06.060 of the Seattle Municipal Code; or

(4) Whose owner has received a written notification alleging behavior that would be in violation of either 9.25.084.G or 12A.06.060 of the Seattle Municipal Code issued under the laws of any other city, county or state agency within or outside of the State of Washington, which animal again engages in behavior that is in violation of either 9.25.084.G or 12A.06.060 of the Seattle Municipal Code.

The breed of a dog shall not be considered in any determination whether a dog is a "dangerous animal" under this section.

H. "Director" means the Director of Finance and Administrative Services((~~Executive Administration~~)) of The City of Seattle or his/her authorized representative.

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I. "Department" means the Department of Finance and Administrative Services((~~Executive Administration~~)) of The City of Seattle.

J. "Disposed of in a humane manner" means euthanized by a lethal dose of sodium pentobarbital or its equivalent.

K. "Detain" means to place an animal in custody.

L. "Domestic Animal" means an animal that is livestock, a companion animal, or both.

1. "Livestock" means any species of animal commonly used by inhabitants of Washington State for food, fiber, or draft purposes.

2. "Companion animal" means any species of animal commonly kept by inhabitants of Washington State as a pet or for companionship, except that snakes exceeding ((~~eight (~~))8-((~~)~~)) feet in length, venomous reptiles (regardless of whether the venom glands have been removed), and venomous amphibians (regardless of whether the venom glands have been removed) are not domestic animals, even if such animals are commonly kept by inhabitants of Washington State pets or for companionship.

M. "Exotic animal" means any species of animal that is both: (1) not a domestic animal, and (2) capable of killing or seriously injuring a human being. Subject to the preceding sentence, the definition of "exotic animal" contained in this section includes but is not limited to:

1. All animals of the order Primates (as primates) except humans;

2. All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the domestic dog Canis familiaris;

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3. All animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and their hybrid, except for the domestic cat Felis catus;

4. All animals of the family Ursidae (as bears);

5. All animals of the family Hyaenidae (as hyenas);

6. All animals of the order Crocodylia (as alligators, crocodiles, gavials, or caimans);

7. All animals of the family Elephantidae (as elephants);

8. All animals of the order Perissodactyla (as horses, rhinoceroses, or tapirs);

9. All animals of the order Artiodactyla (as camels, cattle, deer, giraffes, goats, hippopotamuses, llamas, pigs, or sheep);

"Exotic animal" also includes all venomous reptiles and amphibians, (regardless of whether the venom glands have been removed), and all snakes that are ((~~eight~~ ~~(~~))8-((~~)~~))feet or more in length.

Section 238. Section 9.26.060 of the Seattle Municipal Code, last amended by Ordinance 123154, is amended as follows:

9.26.060 Spay and Neuter Clinic fees.

The fees at the Municipal Spay and Neuter Clinic shall be:

A. Surgery fees:

Cats

Spaying....$90

Neutering....$85

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Dogs

Dog neuter under 50 pounds....$120

Dog neuter 50 -- 80 pounds....$135

Dog neuter over 80 pounds....$155

Dog spay under 50 pounds....$130

Dog spay 50 -- 80 pounds....$145

Dog spay over 80 pounds....$155

Animals other than cats and dogs may be spayed or neutered at the discretion of the Director of Finance and Administrative Services((~~Executive Administration~~)), or his/her designee, who shall charge a fee for the service that is based upon estimated costs, not to exceed ((~~One Hundred Dollars ()~~)$100((~~.00~~))) per hour of surgery.

B. Vaccination fees:

Cat FvRCP....$10

Dog DHLP....$10

Cat and dog rabies....$10

C. Microchip implant fees:

Animals adopted from the shelter....$20

Nonshelter animals....$30

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Section 239. Section 10.02.030 of the Seattle Municipal Code, last amended by Ordinance 122200, is amended as follows:

10.02.030 Authority of Mayor to enter into contracts and incur obligations.

A. Upon the proclamation by the Mayor of a civil emergency resulting from a disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural cause, and during the existence of such civil emergency, the Mayor, in carrying out the provisions of RCW Chapter 38.52, shall have the power by order to enter into contracts and incur obligations ("Order") necessary to combat such disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. Such powers shall be exercised in the light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations and requirements of competitive bidding and publication of notices pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds; provided, that the Mayor shall, wherever practical, advise and consult with the City Council with respect to disaster response activities, and any such Order shall at the earliest practical time be presented to the City Council pursuant to Section B herein for review and appropriate legislation including:

1. Findings by resolution with respect to actions taken;

2. Authorization of payment for services, supplies, equipment loans and commandeered property used during disaster response activities;

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3. Approval of gifts, grants or loans accepted by the Mayor during the emergency; and

4. Levy of taxes to meet costs of disaster response and recovery operations.

B. Any such order shall, within ((~~forty-eight (~~))48((~~)~~)) hours of issuance of the Order, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected any such Order shall be void. If the City Council modifies the Order, such modification shall be effective only if it is agreed to by the ordered or contracting party. If the ordered or contracting party refuses to accept the modification, the Order shall be deemed to be rejected by the City Council. If the City Council rejects the Order, such rejection shall not affect the City's responsibility for any actions taken prior to the rejection of the Order, including the City's responsibility for the actual costs incurred by those who were ordered by or entered into contracts with the City.

C. The ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)) shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to Order and authorized by the City Council. If the applicable fund is solvent at the time payment is ordered, the Director ((~~of Executive Administration~~)) may elect to make payment by check.

Section 240. Section 10.02.060 of the Seattle Municipal Code, last amended by Ordinance 122200, is amended as follows:

10.02.060 Disaster Management Committee.

A. There shall be a Disaster Management Committee consisting of:

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1. The department heads or their designees of the following departments and offices, or their successor agencies: City Light, the City Budget Office, the Office of Economic Development, the Department of Finance and Administrative Services((~~Executive Administration~~)), ((~~Finance~~)), the Seattle Fire Department, ((~~Fleets and Facilities~~)), the Office of Housing, the Human Services Department, the Department of Information Technology, the Office of Intergovernmental Relations, the Law Department, the Legislative Department, the Department of Parks and Recreation, the Personnel Department, the Seattle Police Department, Seattle Public Library, the Department of Neighborhoods, Seattle Center, the Office of Sustainability and the Environment, Seattle Public Utilities, and the Seattle Department of Transportation; and

2. The D((~~d~~))irector of Public Health -- Seattle and King County or his or her designee; and

3. Representatives of other agencies or organizations, or other persons with expertise in disaster management as shall be appointed by the Mayor.

B. The Mayor shall designate the chair of the Disaster Management Committee.

C. Members of the Committee described in subsection A3 shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

D. The Committee shall meet at least quarterly at the places and times as shall be prescribed by the Mayor, and shall:

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1. Advise the Mayor on all matters pertaining to disaster readiness and response capabilities within the City;

2. Periodically review and make recommendations for the revision and/or maintenance of up-to-date disaster response plans for the City consistent with RCW Chapter 38.52 and including:

a. Preparations for and the carrying out of executive emergency powers;

b. The delegation and subdelegation of administrative authority by the Mayor;

c. The performance of emergency functions including firefighting, police, medical and health, welfare, rescue, engineering, transportation, communications and warning services, evacuation of persons from stricken areas, plant protection, restoration of utility services, and other functions relating to civilian protection together with all activities necessary or incidental to the preparation for and carrying out of such functions;

d. Requirements for department operation including management succession, procedures for providing ((~~twenty-four (~~))24((~~)~~)) hour capability, mobilization procedures, special disaster response procedures, plans for records protection, personnel procedures, finance plans, and training procedures for disaster response.

3. Provide cooperation and coordination with the disaster response plans of other local organizations and agencies;

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4. Prepare and recommend to the Mayor plans for mutual aid operations with the state and political subdivisions thereof;

5. Recommend expenditures for disaster preparations and training.

Section 241. Section 10.02.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

10.02.070 Emergency purchases of supplies.

Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:

A. Preprinted emergency purchasing forms shall be provided by the Director of Finance and Administrative Services((~~Executive Administration~~)) for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate information prescribed by the Director ((~~of Executive Administration~~)) including: date and time of purchase; name and address of supplier; quantity, unit, description, unit price and total price of item; name and appropriate identification number from the City employee identification card of the person making the purchase; date required and date delivered; description of use of item, including disaster work order number, description of disaster work and location of use; and name and appropriate identification number from the City employee identification card of the person receiving the item.

B. An employee identification card shall be used in all cases to verify that the purchaser is an employee of the City.

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C. A log of all purchases made during any emergency shall be maintained by each department and by the Director of Finance and Administrative Services((~~Executive Administration~~)).

D. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.

E. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the Director of Finance and Administrative Services((~~Executive Administration~~)) to the City Council for authorization of payment.

Section 242. Section 10.02.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

10.02.080 City Budget Director to be informed of certain((~~review~~)) purchases and review mutual aid agreements.

The City Budget Director, in cooperation with City departments making purchases or expenditures during the existence of an emergency, shall be informed ((~~review~~)) of all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds. The City Budget Director shall also review all mutual aid agreements and services received thereunder by the City during

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any such civil emergency and shall certify to the ((~~City~~))Director of Finance and Administrative Services((~~Executive Administration~~)) the services received and any payment due therefor.

Section 243. Section 10.08.140 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

10.08.140 Definitions.

A. "Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message.

B. "Alarm system monitoring company" means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, robbery, or panic alarms.

C. "Alarm system user" means the person having or maintaining a property, burglary, robbery, or panic alarm. It means only the subscriber when the system is connected to an alarm system monitoring company.

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D. "Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department for the purpose of educating alarm users about false alarms.

E. Burglary alarm. See "Property alarm" below.

F. "Chief of Police" or "Chief" means the Chief of Police of The City of Seattle and his or her designee.

G. "Department" means the Seattle Police Department.

H. "Director" means the Director of Finance and Administrative Services((~~Executive Administration~~)) of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

I. "False Alarm" means the notification to the Seattle Police Department concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for police response; or

2. The dispatch of police personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police personnel at the alarm site.

J. Panic alarm. See "Robbery alarm" below.

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K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons, but excludes the United States, the State of Washington and any political subdivision or municipal corporation thereof.

L. "Property alarm" or "burglary alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques, and, when activated, automatically transmits a telephone message, emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

M. "Residence" means a building or structure or portion thereof designed to be used as a place of abode for human beings and not used for any other purpose. The term includes all dwelling units within the definition of a "residential use," as defined in Chapter 23.84A.

N. "Robbery alarm" or "panic alarm" means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the "protected premises");

2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;

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3. It transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside the protected premises; and

4. It is intended to summon police assistance to the premises.

O. Verification. See Section 10.08.165.

Section 244. Section 10.08.165 of the Seattle Municipal Code, last amended by Ordinance 121932, is amended as follows:

10.08.165 Alarm system monitoring companies -- Verification process.

Every alarm system monitoring company engaged in business activities in Seattle shall:

A. Obtain a City of Seattle alarm system monitoring company license from the Department of Finance and Administrative Services((~~Executive Administration~~)) as provided in ((~~SMC~~)) Chapter 6.10;

B. Provide the Chief of Police such information about the nature of its property alarms, burglary alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted pursuant to ((~~the Administrative Code,~~)) Chapter 3.02;

C. Maintain a current list of all subscribers' names and the associated protected premises it serves, which list shall be given to the Director on a quarterly basis;

D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has been accepted by the alarm system monitoring company using a verification process to prevent false alarms from resulting in unnecessary police dispatches.

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A verification process is an independent method of determining that a signal from an automatic alarm system reflects a need for police assistance or investigation. The means of verification shall include one (((~~(1)~~)) or more of the following:

1. An attempt by the alarm system monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch;

2. A feature that permits the alarm system user or a person authorized by the user to send a cancellation code to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police dispatch;

3. The installation of a video system that provides the alarm system monitoring company when the signal is received with the ability to ascertain that activity is occurring which warrants police assistance or investigation;

4. An independent confirmation that a signal reflects a need for police assistance or investigation either by the alarm system user, a person at or near the premises, or an alternate response agency made before dispatching police; or

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5. An alternate system that the Chief determines has or is likely to have a high degree of reliability.

E. When the Chief reports that there appears to have been a false alarm at a subscriber's premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof and prevent recurrences.

Section 245. Section 10.11.010 of the Seattle Municipal Code, last amended by Ordinance 122474, is amended as follows:

10.11.010 Definitions.

A. "Director" means the Director of ((~~the Department of~~)Finance and Administrative Services((~~Executive Administration~~)), or successor entity, or his or her designee.

B. "Liquor" has the same meaning as in Chapter 66.04 of the Revised Code of Washington.

C. "Nightclub" means any business open to the public in which:

1. Liquor is served between the hours of 10:00 p.m., and 6:00 a.m., except where service of liquor is incidental to an event that is not open to the public; and

2. Has a maximum occupancy capacity of ((~~two hundred (~~))200((~~)~~)) or more people.

D. "Nightclub operator" means any individual, sole proprietorship, partnership, corporation, association, or other public or private organization of any character with responsibility for operation of a nightclub.

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E. "Written Safety Plan" means a written document produced by a nightclub operator that includes at minimum the following information about the nightclub:

1. The number and location of all security personnel;

2. The nightclub's identification checking and patron search procedures;

3. Procedures for ensuring that only persons ((~~twenty one (~~))21((~~)~~)) years or older are served alcohol;

4. The nightclub's procedures for handling violent incidents, other emergencies, and calling the Seattle Police Department;

5. A description of the training provided or completed by security and other personnel, including conflict de-escalation training;

6. The nightclub's procedures for crowd control and preventing overcrowding; and

7. Current contact information for the person or position responsible for addressing safety, security, or City Code related complaints by patrons or neighborhood residents.

Section 246. Section 10.24.030 of the Seattle Municipal Code as last amended by Ordinance 23147 is repealed.

Section 247. Section 10.38.050 of the Seattle Municipal Code as last amended by Ordinance 41908 is repealed.

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Section 248. Section 10.46.010 of the Seattle Municipal Code as last amended by Ordinance 118396 is amended as follows:

10.46.010 Permit for disposal required.

It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools, grease traps and seepage pits within the City without a proper permit issued by the Director of Seattle Public Utilities authorizing the disposal of such cleanings at points to be specified by the Director of Seattle Public Utilities. The fee for such permit, which shall be issued only to the holder of a proper registration and inspection certificate to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the Seattle-King County Health Department pursuant to law for carrying on such business, shall be ((~~Thirty Dollars (~~))$30((~~.00~~))) per month, payable in advance on the first day of each and every month to defray the costs of supervision of such waste disposal and in addition such permit holder shall deposit with the ((~~City~~)) Director of Finance and Administrative Services ((~~Director~~)) in the Guaranty Deposit Fund the sum of ((~~One Hundred Fifty Dollars (~~))$150((~~.00~~))) to guarantee compliance with the terms of Section 10.46.020.

Section 249. Section 11.16.480 of the Seattle Municipal Code, last amended by Ordinance 121388, is amended as follows:

11.16.480 Director of Finance and Administrative Services((~~Executive Administration~~))to collect parking payment device revenues.

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The payments required to be deposited in parking payment devices as provided in ((~~this Subtitle~~ ~~(~~))Chapter 11.76((~~)~~)) are levied and assessed as fees to cover the costs of installations, inspection, supervision, regulation and maintenance involved in the control of traffic and parking upon the streets and the duly authorized agents of the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)) shall, from time to time, collect, and deposit the same in the General Fund.

Section 250. Section 11.23.140 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

11.23.140 Refunds for unused permits.

Whenever an overweight or overload permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Traffic Engineer shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)) is authorized to draw and to pay a warrant on the General Fund in the amount of such refund, and the necessary appropriations are made from any surplus in the fund. If the appropriate fund is solvent at the time payment is ordered, the Director ((~~of Executive Administration~~))may elect to make payment by check.

Section 251. Section 11.30.220 of the Seattle Municipal Code, last amended by Ordinance 122589, is amended as follows:

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11.30.220 Contract for towing and storage.

A. The Director of Finance and Administrative Services((~~Executive Administration~~)) is authorized and directed to prepare specifications for towing and storage of vehicles, including instructions to bidders, containing such provisions as the Director((~~of Executive Administration~~))shall deem advisable and not in conflict with this chapter.

B. A call for bids responsive to such specifications shall then be made, and the contract shall be awarded to the lowest and best bidder whose proposal is deemed by the Director of Finance and Administrative Services((~~Executive Administration~~)) to be the most advantageous for the public and the City; provided that, in the event all bids are deemed by the Director ((~~of Executive Administration~~)) to be too high or irregular, he or she may reject all such bids and make another call for bids or proceed alternatively pursuant to ordinance passed for such purpose.

The Director ((~~of Executive Administration~~))shall consider, among other relevant factors, the following:

1. Integrity, skill, and business judgment of the bidder;

2. General experience in providing towing and storage services;

3. Conduct and performance under a previous City towing impound contract demonstrating honesty, promptness, skill, efficiency, and a satisfactory relationship with vehicle owners;

4. Existing availability of equipment, facilities, and personnel; and

5. The bidder's financial ability and willingness to expand or improve available equipment, facilities, and services.

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The contract award shall be in accordance with the specifications so approved for towing and storage service necessary for carrying out the provisions of this chapter.

C. Subsequent to the award of the contract, the Director of Finance and Administrative Services ((~~Executive Administration~~))shall file a written statement with the City Clerk giving the name and address of the contractor for towing and storage of vehicles and, if more than one(((~~1~~))) place of storage has been provided, the name and address or location of each storage place. The Director ((~~of Executive Administration~~))shall administer and enforce contracts made pursuant to this section.

Section 252. Section 11.30.240 of the Seattle Municipal Code as last amended by Ordinance 117306 is amended as follows:

11.30.240 Contract for towing and storage -- Financial responsibility.

Any contract for towing and storage under the provisions of this chapter shall require the contractor to demonstrate proof of financial responsibility for any liability which the City may have as a result of any negligence, willful conduct or breach of contract by the contractor and for any damages which the owner of an impounded vehicle may sustain as a result of damage to or loss of the vehicle, or the contents of a vehicle in the custody of the contractor. Proof of financial responsibility shall be furnished either by proof of insurance, by filing a surety bond and/or by depositing cash in such amounts as the ((~~Finance~~))Director of Finance and Administrative Services shall determine necessary.

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Section 253. Section 11.30.280 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

11.30.280 Contractor to file monthly claim for services.

The contractor shall, on or before the tenth day of each month, file his or her claim with the Department of Finance and Administrative Services((~~Executive Administration~~)) for towing and storage charges accruing to him or her upon vehicles redeemed as provided in this chapter during the preceding month, in accordance with this chapter and with the specifications for the contract authorized in Section 11.30.220, and such claim shall be sworn to by him or her under oath. The Director of Finance and Administrative Services((~~Executive Administration~~)) shall audit such claim and any payment thereof at least once annually. A warrant or warrants for payment of such claim shall be drawn and paid by the Director ((~~of Executive Administration~~)) from such expenditure allowances as may be provided therefor in the annual budget or from such moneys as may otherwise be appropriated for such purpose. If the appropriate fund is solvent at the time payment is ordered, the Director ((~~of Executive Administration~~))may elect to make payment by check.

Section 254. Section 11.30.290 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

11.30.290 Contract for towing and storage -- Administrative fee.

A. If a vehicle is impounded pursuant to Section 11.30.105, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

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B. If a vehicle is impounded pursuant to ((~~S~~))subsection 11.30.040.((-))A7, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

C. If a vehicle is impounded other than pursuant to subs((~~S~~))ection 11.30.040.((-))A7 or Section 11.30.((--))105, an administrative fee shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.((--))220.

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Department of Finance and Administrative Services((~~Executive Administration~~)) in the manner directed by the Director of Finance and Administrative Services((~~Executive Administration~~)) and as specified in the contract provided by ((~~S~~))subsection 11.30.220.((-))A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. The administrative fee shall be set by rule by the Director ((~~of Executive Administration~~))in an amount not to exceed ((~~One Hundred Dollars (~~))$100((~~)~~)).

Section 255. Section 11.30.320 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

11.30.320 Rules and regulations.

The Director of Finance and Administrative Services((~~Executive Administration~~))and the Chief of Police are authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and Chapter 3.02 ((~~the Administrative Code of the City,~~[1])) to

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provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

Section 256. Section 11.50.530 of the Seattle Municipal Code as last amended by Ordinance 108200 is amended as follows:

11.50.530 Unlawful erection of direction signs.

No person shall erect any device on a street or alley for the purpose of the information or the direction of traffic, giving the distance or direction to or from any point or place, unless such person shall have first applied for and obtained from the ((~~Board of Public Works~~)) Seattle Department of Transportation a permit to do so, and the same shall have been constructed, erected and located according to the specific requirements therefor contained in such permit. Any device erected or maintained without such a permit constitutes a public nuisance and may be removed by the Director of Transportation ((~~Engineering~~)) or his duly authorized agent and such removal of an unlawful device on private or public property, shall not be a breach of the peace. Furthermore, no liability shall attach to the City, its agents, or employees by reason of any damage or injury to persons or property when removing such unlawful device. (RCW 47.36.160)

Section 257. Section 11.60.240 of the Seattle Municipal Code as last amended by Ordinance 112092 is amended as follows:

11.60.240 Combination of units -- Lawful operations -- Special permits.

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Notwithstanding the provisions of Section 11.60.220 and subject to such rules and regulations governing their operation as may be determined ((~~adopted~~)) by the ((~~Board of Public Works~~)) Seattle Department of Transportation, operation of the following combinations shall be lawful:

A. A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

B. A combination consisting of three (((~~(3)~~))trucks or truck tractors used in driveaway service where two (((~~(2)~~))of the vehicles are towed by the third in double saddlemount position((~~.~~)) (RCW 46.44.037).

Section 258. Section 12A.08.105 of the Seattle Municipal Code, last amended by Ordinance 121388, is amended as follows:

12A.08.105 Unauthorized manufacture, duplication, use or possession of a key which opens a parking payment device.

It is unlawful for any person to knowingly manufacture, duplicate, use or possess a key which opens a parking payment device located within the limits of the City, unless authorized to do so by the Director of Transportation or the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)).

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Section 259. Section 12A.62.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

12A.62.020 Payment authority.

Reimbursements made in accordance with Section 12A.62.010 shall be paid on vouchers approved by the City Attorney on the basis of facts as certified by the Chief of Police consistent with this chapter together with such other evidence as the City Attorney may require to substantiate such medical expenses, and for such purpose the sum of ((~~One Thousand Dollars~~)) (((~~(~~)$1,000(~~)~~))) or so much thereof as may be necessary is appropriated from the Emergency Fund and the ((~~City Finance~~)) Director of Finance and Administrative Services (is authorized to draw and pay the necessary warrants. If the applicable fund is solvent at the time payment is ordered, the Director ((~~of Executive Administration~~)) may elect to make payment by check.

Section 260. Section 15.04.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

15.04.040 Indemnity deposit -- Escrow -- Surety bond.

A. If the authorizing official determines that there is a substantial risk of injury, damage, or expense to the City or probable City expenditures arising from an applicant's proposed use of any public place, the authorizing official may require the applicant to make an indemnity deposit with the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)) in an amount based on the official's estimate of the injury, damage or expense to the City and/or cost of restoration of the public place if a mishap or accident were to occur. The funds shall be deposited to the credit of the Guaranty Deposit Fund.

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B. The indemnity deposit shall be used to pay the cost of restoring the public place, or removing any earth or other debris, of replacing or repairing any utility interrupted or damaged or of any trees in the public place, of completing any work left unfinished, of resetting any traffic control devices, of the expenses of engineering and other studies authorized by Section 15.04.035, and any other expense that the City may sustain in conjunction with the permitted work, plus a City administrative charge equal to 15-((~~fifteen~~)) percent (((~~15%~~))) of the amounts expended for the City's expenses for services such as inspections, surveys, preparing plans, letting contracts, and contract administration or supervision. The balance of the cash indemnity deposit, if any, after all deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant shall be liable for the deficiency.

C. The authorizing official may authorize the filing of a surety bond in accordance with Section 15.04.044 in lieu of making all or part of an indemnity deposit and may suspend its application or waive compliance when required by Section 15.02.027.

Section 261. Section 15.04.044 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

15.04.044 Surety bond.

A. If required by the authorizing official, the applicant shall file with the City Clerk or such official's functional successor, in lieu of, or in addition to the indemnity deposit, a surety bond approved as to surety and as to form by the City Attorney. The bond shall assume all the requirements provided in Section 15.04.060 in relation to an indemnity deposit, shall run for the full period of the permit, and shall be in an amount to be fixed by the authorizing official, and

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conditioned that such applicant shall faithfully comply with all the terms of the permit and all the provisions of this title and all other ordinances of the City, and, to the extent permitted by RCW Chapter 19.72, indemnify and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in the application.

B. If the application shall be to construct, reconstruct, repair, maintain, or remove any pavement, sewer, water main, storm drain, grading, street lighting, or appurtenance thereto, the applicant shall file with the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)) or such official's functional successor a surety bond approved as to surety and as to form by the City Attorney. The bond shall be conditioned that the applicant shall faithfully complete all portions of the work according to the City's Standard Plans and Specifications, the special plans approved by the authorizing official, and the terms of the permit. The bond shall run for the full period of the permit plus one (((~~1~~)))year after City acceptance of the permitted work. The authorizing official shall set the amount of the bond.

C. If an applicant shall be periodically using public places, the authorizing official may require the applicant to post a surety bond in an amount the authorizing official deems sufficient to cover the accumulated cost or risk involved at any certain time in a calendar year for the number of permits outstanding. The bond shall be in force during the period of all outstanding permits, but in no case for less than one (((~~1~~)))year. The bond shall be subject to approval by the City Attorney as to surety and as to form. The bond shall be conditioned to assume all of the requirements of this title in relation to a cash indemnity deposit.

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D. If at any time any applicant shall apply for a permit to use a public place or to modify an issued permit, and in the opinion of the authorizing official the aggregate amount of bonds needed for the additional work or risk involved in the proposed use, together with that involved under other permits outstanding to the applicant, exceed the amount of the then posted surety bond, the authorizing official may require the applicant, prior to issuing the permit, to post an additional or separate surety bond in an amount the authorizing official deems sufficient to cover the additional risk or work involved. The bond shall remain in force during the period of all outstanding permits, but in no case for less than one ((~~(1)~~))year from and after the date of the permit. Also, the authorizing official may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined.

E. Registered side sewer contractors who post a one ((~~(1)~~))year bond under the provisions of subsection C or D shall not be required to post an additional surety bond specifically covering work under separate side sewer ordinances. An authorizing official may waive the requirement of surety bond under subsection C upon finding that the bond posted under ((~~S~~))subsection 21.16.060.((-))C is adequate to fully protect the City. The surety bond shall contain all the requirements of side sewer ordinances in the same manner as required bonds posted pursuant to the side sewer ordinances and ((~~S~~))subsection 21.16.060.((-))C.

F. Sections 15.02.027 and 15.04.017 may apply when constitutional freedoms or statutory rights are exercised.

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Section 262. Section 15.04.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

15.04.050 Account or bond for multiple permits.

In the alternative to making an indemnity deposit for each permit under Section 15.04.040, an applicant who anticipates seeking two (((~~(2)~~))or more permits from the same department, may establish with the City a subaccount by depositing with the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)), to the credit of the Guaranty Deposit Fund, a minimum sum of at least ((~~Five Hundred Dollars (~~))$500((~~)~~)) or the amount fixed for the permit being sought, whichever is greater. On notice from the City, the applicant shall replenish such sum from time to time, whenever the subaccount balance shall have been reduced to the sum of ((~~Three Hundred Dollars (~~))$300((~~)~~)) or less.

Section 263. Section 15.04.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

15.04.090 Refund of permit fee.

Whenever the fee paid for any use or occupation permit shall be erroneous for any reason, and application is made for refund, the authorizing official shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate to the ((~~City~~)) Director of Finance and Administrative Services((~~Executive Administration~~)), a warrant shall be drawn and paid in the amount of such refund. The necessary appropriations are hereby made and authorized. If the appropriate fund is solvent at the time

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payment is ordered, the Director ((~~of Executive Administration~~)) may elect to make payment by check.

Section 264. Section 15.38.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

15.38.030 Sale of impounded property.

A. If, at the expiration of the time set forth in Section 15.38.020 the property has not been released to the owner, the property is surplus to the City's needs, and has a sufficient value for sale, the authorizing official may arrange for its sale at public auction or through the City's Director of Finance and Administrative Services((~~Executive Administration~~)) in conjunction with the sale of surplus City property.

B. Upon sale of the property, the authorizing official shall deposit the proceeds into the City Treasury.

C. At any time within six (((~~6~~)))months from and after the date of the sale, the former owner, upon proper application to the authorizing official, and upon presentation of satisfactory proof that he or she was the owner of the property sold, shall receive the residue of the proceeds of such sale, after deducting the expenses of seizure, impounding, advertising and sale and charges under the fee schedule. The right to the proceeds conferred under this subsection expires if at the end of six (((~~6~~)))months the former owner shall not have applied to the City therefor.

Section 265. Section 15.38.050 of the Seattle Municipal Code as last amended by Ordinance 118409 is amended as follows:

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15.38.050 Motor vehicles; boats; animals; newsstands.

The impoundment and disposition of abandoned and/or unauthorized vehicles is regulated by ((~~Seattle Municipal Code~~)) Chapter 11.30 and RCW 46.55.080 through 46.55.115, and as to a vehicle, watercraft, camper, or component part thereof whose manufacturer's serial or distinguishing number or mark has been removed or altered by RCW 46.12.310 -- 46.12.340. The Director of Transportation and the Superintendent are authorized to assist the Chief of Police and the Director of Finance and Administrative Services((~~Licenses and Consumer Affairs~~)) in arranging for the removal thereof from public places.

The impounding of animals is regulated by ((~~Seattle Municipal Code~~)) Chapter 9.25.

The impounding of newsstands is regulated by ((~~Seattle Municipal Code~~)) Section 15.14.070.

Section 266. Section 15.42.050 of the Seattle Municipal Code as last amended by Ordinance 118409 is amended as follows:

15.42.050 Conformance to Street Tree Planting Standards.

Tree planting shall conform to the Street Planting Standards of the City of Seattle adopted ((~~by Board of Public Works and continued in effect pursuant to this subtitle or as later modified~~)) by the Director of Transportation, insofar as practical. Changes from those standards may not be granted without approval of the Director of Transportation.

Section 267. Section 15.52.020 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

15.52.020 Committee membership.

VERSION IS NOT ADOPTED

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