

B. "Department" means the Finance Department of the City.

C. "Director" means the Finance Director 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.

(Ord. 117169 § 102, 1994; Ord. 109763 § 2(part), 1981; Ord. 108934 § 11.020, 1980.)

6.222.020 License—Expiration date.

Rental agency licenses issued under this chapter shall expire and may be renewed annually on the last day of February.

(Ord. 109763 § 2(part), 1981; Ord. 108934 § 11.024, 1980.)

6.222.030 License—Required.

It is unlawful for any person within the City to engage in the business of a rental agency, solicit business for a rental agency, or advertise the services of a rental agency doing business in Seattle without first obtaining a rental agency license issued in accordance with the provisions of this code.

(Ord. 109763 § 2(part), 1981; Ord. 108934 § 11.030, 1980.)

6.222.040 Unlawful acts.

It is unlawful for any rental agency or any agent thereof to:

A. List or advertise any housing accommodation or otherwise offer or provide information about any housing accommodation without the prior written consent of the landlord; or

B. Refer any customer to or list any housing accommodation which is and has been unavailable for rental for the three (3) days immediately preceding the date of the referral; or

C. Use any contract or furnish any receipt to any customer or prospective customer which does not disclose in accordance with rules and regulations adopted by the Director all material information regarding the services to be provided by the rental agency to said customer; or

D. Require any customer to pay a fee or charge prior to such customer entering into a rental agreement or lease for a housing accommodation obtained from the rental agency; or

E. Publish or cause to be published any advertisement for a particular housing accommodation without including in the advertisement a page, line, or other code number through which the particular housing accommodation can be easily located in the rental agency's listing records. (Ord. 109763 § 2(part), 1981; Ord. 108934 § 11.140, 1980.)

6.222.050 Financial responsibility.

Each applicant for a rental agency license shall submit to the Director for filing with the City Clerk a surety bond of Five Thousand Dollars (\$5,000.00) naming himself or herself and all his or her agents as principals, and conditioned as provided by the general provisions of Chapter 6.202.

(Ord. 116386 § 194, 1992; Ord. 109763 § 2(part), 1981; Ord. 108934 § 11.150, 1980.)

6.222.060 Records and reports.

Every rental agency licensee shall keep and make available to customers an accurate listing of all housing accommodations to which customers are or may be referred, which shall include at least the following information for each housing accommodation:

A. The type of unit (e.g., duplex, triplex, fourplex, or multiplex);

B. Whether the unit is furnished or unfurnished;

C. The date when the unit will be available;

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D. The date when the housing accommodation was most recently entered on the agency's listing records;

E. The date when the housing accommodation was last verified by the agency to be available for rent;

F. The address of the housing accommodation;

G. The name, address and telephone number of the landlord;

H. The monthly rent required by the landlord;

I. The amount and purpose of any damage, cleaning, rent or other deposit or prepayment required by the landlord;

J. The number and types of rooms;

K. Whether a written lease is required and, if so, the minimum term required by the landlord;

L. Any restrictions as to pets, furnishings, or number of occupants permitted by the Seattle Municipal Code, Title 14, Chapter 8, or activities imposed by the landlord.

(Ord. 109673 § 2(part), 1981; Ord. 108934 § 11.200, 1980.)

**Chapter 6.230
STEAM ENGINEERS AND
BOILER FIREMEN**

Sections:

6.230.010Scope.

6.230.020Application of other provisions.

6.230.030Definitions.

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6.230.010Scope.

The regulation and licensing of steam engineers and boiler firemen in this chapter and the regulations relating to the operation of boilers and steam engines as defined in this chapter provide the means for ensuring safe operation of such boilers and steam engines.

(Ord. 111301 § 3(part), 1983.)

6.230.020Application of other provisions.

The licenses, provided for in this chapter are subject to the general provisions of the new Seattle license code set forth in Chapter 6.202 as now or hereafter amended. In the event of a conflict between the provisions of Chapter 6.202 and this chapter, the provisions of this chapter shall control.

(Ord. 117864 § 1, 1995; Ord. 111301 § 3(part), 1983.)

6.230.030Definitions.

Words and phrases used in this chapter relating to the regulation and licensing of steam engineers and boiler firemen shall have the following meanings:

1. "Automatic boiler" means a boiler equipped with certain controls and limit devices as required by the Boiler Code.

2. "Boiler" means a closed vessel used for heating water or other liquid or for generating steam or vapor by direct application of heat from combustible fuels or electricity.

3. "Boiler code" is the Seattle Boiler and Pressure Vessel Code (Title 22 Subtitle IVA of the Seattle Municipal Code) as now or hereafter amended.

4. "Boiler plant" means one or more boilers and connecting piping and vessels within the same premises.

5. "Boiler supervisor" means a steam engineer Grade I, II or III who has passed additional examinations as required by the Department pursuant to the provisions of this chapter.

6. "City Boiler Inspector" means a City of Seattle Boiler/Pressure Systems Inspector employed by the Department.

7. "Department" means the Department of Construction and Land Use.

8. "Director" means the Director of the Department of Construction and Land Use.

9. "Hoist and portable boiler" means a boiler used to provide steam for the operation of various types of equipment such as floating cranes, piledrivers and other similar types of equipment used in the construction industry.

10. "Hot-water supply boiler" is a boiler having a volume exceeding one hundred twenty (120) gallons or a heat input exceeding two hundred thousand (200,000) BTU per hour or an operating temperature exceeding two hundred degrees Fahrenheit (200° F.) or a pressure exceeding one hundred sixty (160) psi, that provides hot water to be used externally to itself.

11. "Low-pressure hot-water heating boiler" means a boiler in which water is heated at pressures not exceeding one hundred sixty (160) psi and temperatures not exceeding two hundred fifty degrees Fahrenheit (250° F.).

12. "Low-pressure steam-heating boiler" means a boiler operated at pressures not exceeding fifteen (15) psi for steam.

13. "Out of service." An automatic boiler shall be "out of service" if it is manually shut down for inspection, maintenance, or repair, except for limited repairs and adjustments as set forth in Section 6.230.150 F.

14. "Power hot-water boiler" (high-temperature water boiler) means a boiler used for heating water or liquid to a pressure exceeding one hundred sixty (160) psi or to a temperature exceeding two hundred fifty degrees Fahrenheit (250° F.).

15. "Power steam boiler" means a boiler in which steam or other vapor is generated at pressures exceeding fifteen (15) psi. For purposes of this chapter the term shall not include a small power boiler.

16. "Small power boiler" means a boiler with pressures exceeding fifteen (15) psi but not exceeding one hundred (100) psi and having less than three hundred fifty thousand (350,000) BTU per hour heat output.

17. "Steam engine" means all prime movers using vapors from a boiler for motive power, steam-driven compressors, and steam pumps except steam pumps and similar auxiliaries used

only as appurtenances for the operation of a boiler.

18. "Water heater" means a closed vessel used for heating water by direct application of heat from combustible fuels or electricity with a nominal water-containing capacity of one hundred twenty (120) gallons or less having a heat input not exceeding two hundred thousand (200,000) BTU per hour and an operating temperature not exceeding two hundred ten degrees Fahrenheit (210° F.).

(Ord. 118049 § 2, 1996.)

6.230.040 License required—Expiration.

It is unlawful to have charge of, or operate or permit anyone to have charge of, or operate, any boiler or steam engine without a license, to do so issued by the Director or his or her functional predecessor under this chapter. All licenses, shall expire at midnight on the thirtieth day of September of each year, and shall not be transferred or assigned. All renewals shall specify the same grade and be subject to such conditions or limitations as may be provided under the license to be renewed. Renewal of a license which has been expired for more than one (1) year requires the holder to submit a new application and to be re-examined.

(Ord. 117864 § 2, 1995; Ord. 117169 § 105, 1994; Ord. 111301 § 3(part), 1983.)

6.230.050 Exemptions from license requirements.

A steam engineer's or boiler fireman's license shall not be required of any person in charge of, or operating, the following:

A. Any boiler or steam engine subject to federal regulations;

B. Any boiler not subject to reinspection by the Boiler Code;

C. Low-pressure hot water, low-pressure steam and hot-water supply boiler plants having inputs of less than two million five hundred thousand (2,500,000) BTU per hour;

D. Any boiler having an input of less than one hundred thousand (100,000) BTU per hour and a maximum pressure of one hundred pounds per square inch (100 psi) or less;

E. Water heaters.
(Ord. 117864 § 3, 1995; Ord. 113757 § 1, 1987; Ord. 111301 § 3(part), 1983.)

6.230.060 Grades of licenses.

For current SMC, contact the Office of the City Clerk

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A. The grades of steam engineers' and boiler firemen's licenses shall be as follows:

Grade One	(I)	Boiler Supervisor
Grade Two	(II)	Boiler Supervisor
Grade Three	(III)	Boiler Supervisor
Grade One	(I)	Steam Engineer
Grade Two	(II)	Steam Engineer
Grade Three	(III)	Steam Engineer
Grade Four	(IV)	Boiler Fireman
Grade Five	(V)	Small Power Boiler Fireman
Grade Five	(V)	Boiler Fireman

B. The scope of each grade of license as related to the type of equipment and capacity subject to any limitations or conditions imposed pursuant to SMC Section 6.230.100 shall be as set forth in the following table:

	Maximum Capacity Allowable For Grades of License		
	Type of Equipment		
	Steam Engine (brake horsepower)	Boilers (e) (BTU/hr. input total)	Small Power Boiler
Grade I (a) Steam Engineer	Unlimited	Unlimited	Unlimited
Grade II (a) Steam Engineer	1,500	300,000,000	Unlimited
Grade III (a) Steam Engineer	250	50,000,000	Unlimited
Grade IV (b) Boiler Fireman	0	20,000,000	(b)
Grade V (c) Boiler Fireman	0	5,000,000	(d)
Grade V Small Power Boiler Fireman	0	N/A	Less than 400,000 BTU/hr. input

Notes to table:

(a) A boiler supervisor license shall permit the licensee to supervise automatic and/or boilers up to the combined capacity of each individual boiler plant permitted by his/her steam engineer license.

(b) A Grade IV boiler fireman may operate a battery of not more than two (2) steam or vapor boilers with a combined capacity not greater than twenty million (20,000,000) BTU per hour total input; except, that when he/she is the head fireman on duty and under the direct (on site) supervision of a licensed steam engineer hereunder, he/she may operate a greater number of boilers, or boilers with greater capacity, for the purpose of training but not to exceed the capacity permitted by the license of such supervising engineer.

(c) A Grade V boiler fireman may operate electric power boilers limited to one hundred pounds per square inch (100 psi) and not exceeding two hundred kilowatts (200 kw) per hour input, provided that such boilers are not in battery.

(d) A Grade V small power fireman license shall permit the licensee to operate one (1) small power boiler.

(e) For license determination purposes, BTU per hour input ratings of a boiler shall be computed equal to burner input.

(Ord. 118049 § 3, 1996; Ord. 117864 § 4, 1995; Ord. 113757 § 2, 1987; Ord. 111301 § 3(part), 1983.)

6.230.070 Issuance of licenses.

Persons desiring a license described in Section 6.230.060 shall make written application to the Department on the forms provided by the Department. Such application shall include the applicant's full name and address. Applications shall be accompanied by a receipt showing payment of the required examination fee as provided under Section 6.230.090.

A. Applicants for a steam engineer's license, Grade I, II, or III shall show by competent evidence one (1) of the following:

1. That he/she has been employed at least three (3) years in a position directly responsible for the care and operation of boilers or steam engines, or in the design or supervision of boilers, boiler systems, boiler firing and automatic control and safety systems, or under the direct supervision of a licensed steam engineer, Grade I, II or III; or

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2. That he/she has at least three (3) years of practical experience as a machinist apprentice in a steam engine works together with one (1) year of employment in the direct care and operation of boilers and steam engines; or

3. That he/she has graduated from a recognized school of technology and has had at least one (1) year of employment in the direct care and operation of boilers and steam engines.

Completion of a boiler fireman's course approved by the Department or its functional predecessor shall be the equivalent of one (1) year of practical experience under subsections 1 or 2 above, however, each applicant will be entitled to only one (1) such credit.

B. Any licensed Grade I, II or III steam engineer may apply for an upgrade to boiler supervisor, Grade I, II or III. Such applicant shall show by competent evidence that he/she has been employed at least three (3) years in one (1) of the following:

1. In a position directly responsible for the care or operation of boilers or steam engines;

2. In the design or supervision of boilers, boiler systems, boiler firing, and automatic control and safety systems;

3. In the direct supervision of a licensed Grade I, II or III steam engineer.

C. Applicants for a Grade IV boiler fireman license shall show by competent evidence one (1) of the following:

1. One (1) year of practical experience in the care and operation of a boiler; or

2. Completion of an in-service training course in the fundamentals of boiler operation as approved by the Department or its functional predecessor which shall include at least forty (40) hours of classroom work together with:

a. Eighty (80) hours of on-site training relating to the care and operation of boilers under the direct supervision of a steam engineer with a license of Grade I, II or III; or

b. Forty (40) hours of lab work at a facility approved by the Department.

D. Applicants for a Grade III Steam Engineer License limited to hoist and portable boilers shall show by competent evidence one (1) of the following:

1. Three (3) years of practical experience in the care and operation of boilers and steam engines; or

2. Completion of an in-service training course on the fundamentals of boiler operation, as approved by the Department or its functional predecessor which shall include fifty-five (55) hours of classroom work, together with one hundred twenty (120) hours of work relating to the care and operation of a minimum of two (2) separately located hoist and portable boilers, under the direct supervision of a steam engineer with a license of Grade I, II or III.

E. All persons applying for a license under this chapter shall be examined by the Department according to the provisions of Section 6.230.100. Upon determination by the Department that the applicant has passed the applicable examination and is otherwise qualified under this chapter, including payment by the applicant of the license fee, the Director shall issue the license. In lieu of a qualifying technical examination, the Director may accept as evidence of meeting the applicable ordinance requirements of Section 6.230.100, a valid and current license issued by the City of Tacoma which maintains a licensing and testing program that, in the judgment of the Director, meets or exceeds City of Seattle requirements. (Ord. 118049 § 4, 1996; Ord. 117864 § 5, 1995; Ord. 117169 § 106, 1994; Ord. 116368 § 195, 1992; Ord. 114425 § 1, 1989; Ord. 111301 § 3(part), 1983.)

6.230.080 Special license.

Any person having been employed at least two (2) years as a licensed steam engineer or boiler fireman operating any boiler plant the capacity of which is enlarged or changed beyond the limits of his/her license may apply to the Department for a special license with the limits extended to apply

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only to such plant. The Director shall make an investigation of the changed boiler plant conditions together with such examination of the applicant as may be necessary to determine whether the applicant is qualified under the provisions of this chapter to operate such enlarged or changed boiler plant. When such investigation and examination reveal that the applicant is qualified to operate such plant in its changed condition, the Director shall certify approval of the application and issue such special license.

(Ord. 117864 § 6, 1995; Ord. 117169 § 107, 1994; Ord. 111301 § 3(part), 1983.)

6.230.090 Examination fees for licenses.

The examination fee for a license described in this chapter shall be Twenty Dollars (\$20.00).

(Ord. 117864 § 7, 1995; Ord. 113757 § 3, 1987; Ord. 111301 § 3(part), 1983.)

6.230.100 Departmental authority.

A. In connection with the regulation and licensing of steam engineers and boiler firemen, the Department is authorized to perform the following:

1. Provide qualifying examinations for persons applying for steam engineer or boiler fireman licenses under this chapter. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the capacity, skill, experience, and habits of sobriety of each person examined to safely operate and properly care for a boiler and/or steam engine, within the scope of the license sought;

2. Provide additional qualifying examinations for persons applying for a boiler supervisor Grade I, II, or III license. Such examination shall be practical in character and shall relate to those matters which will fairly test the applicant's capacity, skill, experience, and habits of sobriety to safely use, operate, and maintain boilers and automatic or monitored boilers under applicable City and state regulations;

3. When approving any license under this chapter, the Director may impose stated conditions or limitations to such license restricting the licensee to the operation and maintenance of particular equipment at a stated location, or to the operation and maintenance of a certain class of boilers or steam engines, or to specified permitted services in connection with the operation and maintenance of boilers and steam engines. Such

restrictions shall be based upon the applicant's qualifications under this chapter and be reasonably related to the protection of the public in the safe operation and maintenance of boilers and steam engines.

B. The Department may require affidavits regarding an applicant's character, training, experience and record, and such other supporting credentials as may be necessary to determine his/her fitness.

C. The Department shall refuse to certify the applicant for a steam engineer's or boiler fireman's license if the result of the examination is such that the Department determines he/she has not sufficient knowledge of, and experience in, the care or operation of boilers or steam engines, or if the applicant is found to be mentally or otherwise unfit to safely operate boilers or steam engines. The action of the Department shall be final.

D. It shall be sufficient cause to refuse an original steam engineer's or boiler fireman's license, or any renewal thereof, if the applicant, through neglect or incompetency while in charge of a boiler or steam engine, has caused serious damage to property or has endangered the lives of others.

(Ord. 117864 § 8, 1995; Ord. 117169 § 108, 1994; Ord. 111301 § 3(part), 1983.)

6.230.110 Licenses to be posted or carried.

Every licensed steam engineer or boiler fireman on duty shall display his/her license in a conspicuous place in the room wherein the boiler or steam engine is located, and such shall be effective only for the operation of the plant where it is displayed. If the licensee is in charge of, or is operating, a portable boiler or steam engine and the posting of his/her license is not practicable, such license shall be carried on his/her person, and on demand he/she shall exhibit same. A boiler supervisor shall display a legible copy of his/her license in the boiler room of each boiler that he/she supervises.

(Ord. 118049 § 5, 1996; Ord. 111301 § 3(part), 1983.)

6.230.120 Notice of place of employment.

Every licensed steam engineer or boiler fireman shall keep the Boiler Inspector for the City informed of any change of place of employment. Notice shall be given within twenty-four (24) hours after leaving and/or accepting a position.

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Such notice shall be in writing, addressed to the Chief Boiler Inspector, Steam and Refrigeration Licensing, 710 - 2nd Avenue, Suite 700, Seattle, Washington, 98104-1703, giving the licensee's name, number and grade of license and the name

and address of the plant of last employment and of new employment.
(Ord. 117864 § 9, 1995; Ord. 111301 § 3(part), 1983.)

6.230.130 Reporting of defective boilers.

A. Every licensed steam engineer or boiler fireman before operating any boiler shall first examine the boiler permit issued for such boiler or boilers to see that the permit is in force, and if the permit has expired he/she shall notify his/her employer. If the permit has been expired for more than ninety (90) days, he/she shall notify his/her employer and then the City Boiler Inspector of the date of expiration. He/she shall note the pressure allowed by the permit and shall test the operation of the boiler and its control and safety devices for proper operation.

B. Whenever the steam engineer or boiler fireman believes any part of a boiler or steam engine to be in defective or potentially unsafe condition, he/she shall report the fact to his/her employer in writing. If immediate corrective action is not taken, he/she shall report such defective or potentially unsafe conditions to the City Boiler Inspector.

C. The City Boiler Inspector shall thereupon investigate the same, and report any lack of proper care on the part of any licensed person to the employer and the Department. The Department shall record the facts on the records of the licensee.

D. The steam engineer or boiler fireman in charge of any boiler or steam engine shall report to his/her employer and to the City Boiler Inspector any damage or injury to any such boiler or steam engine under his/her charge or care which affects the safe operation of such boiler or steam engine. The boiler and any parts thereof shall not be removed or disturbed before an inspection has been made by a department inspector unless for the purpose of saving life. Failure to make such reports to his/her employer and the City Boiler Inspector shall be sufficient cause for the suspension or revocation of the license of the person in charge.

E. It shall be the duty of every licensed steam engineer and boiler fireman to report serious negligence in the care of boilers and steam engines to his/her employer and the Boiler Inspector.
(Ord. 117864 § 10, 1995; Ord. 117169 § 109, 1994; Ord. 111301 § 3(part), 1983.)

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6.230.140 Duties of steam engineers and boiler firemen.

A licensed steam engineer and boiler fireman shall perform the following duties in connection with his/her operation and maintenance of boilers and steam engines:

A. Test the operation of the boiler and its control and safety devices periodically on a routine basis in accordance with nationally recognized standards and/or boiler and control manufacturer's written recommendations;

B. Maintain and operate the equipment in a safe manner and according to nationally recognized standards such as those recommended by the American Society of Mechanical Engineers for boilers and as adopted by the Steam License Advisory Board. Such standards shall be filed with the City Clerk;

C. Prepare and maintain a boiler log book and record, at least daily, such pertinent boiler readings and data as may be recommended by the boiler manufacturer, nationally recognized standards, or required by the Boiler Inspector and/or the senior license holder or other authorized person in charge of the boiler operation. The boiler logbook shall be kept on the premises at all times and be available for inspection by the City Boiler Inspector.

(Ord. 117864 § 11, 1995; Ord. 116368 § 196, 1992; Ord. 111301 § 3(part), 1983.)

6.230.150 Duties of boiler supervisor.

A boiler supervisor shall perform the following duties in connection with his/her supervision of automatic and/or monitored boilers:

A. Prepare a boiler logbook with his/her name and the telephone numbers and addresses of home and business on the front cover. The boiler logbook shall be kept on the premises and be available for inspection by the City Boiler Inspector;

B. Determine the proper light-off, operating, and shutdown procedures and clearly set forth such procedures in the inside front cover of the boiler logbook. Determine proper firing rate and the set point or operating limits of all safety devices required on automatic or monitored boilers by the Boiler Code and clearly mark such set point or limits in the inside back cover of the boiler logbook;

C. Determine the list of pertinent boiler data entries to be recorded in the boiler logbook by the boiler owner or his/her designated representative and list such entries on the inside back cover. This list shall include such items as any unusual conditions observed, including safety shutdowns, repairs required, adjustments required and/or made. All entries shall be made in the boiler logbook and shall include the signature of the person making such readings, observations, or adjustments. It shall be lawful to cross out words or sentences which should be changed or corrected but erasures shall be prohibited. The boiler supervisor's written instructions shall include the above signature requirement and the prohibition of erasures;

D. Examine each boiler and boiler logbook in accordance with the frequency of examinations required by SMC Section 6.230.160. Examination shall include the testing of all control devices required for automatic boilers by the Boiler Code and the testing of monitoring systems when used. If a boiler has an approved monitoring system as defined in Section 6.230.160:

1. The boiler supervisor shall cause signals to be sent to the monitoring station to test the reliability of the monitoring equipment and the response of the monitoring station.

2. The boiler supervisor shall report any failure of either the equipment or the response to the City Boiler Inspector within twenty-four (24) hours. Such report is to be in writing.

He/she shall, in addition, inspect and test all other controls on the boiler and shall flush the low-water cutoffs, if applicable, to assure that all control devices are in safe and proper operation. He/she shall permit continued automatic boiler operation only if his/her examination, inspection and testing indicate that the boiler is in a safe operating condition. No modification, revisions, or alterations to the boiler or its control devices shall be made except under his/her supervision. Adjustments by others without his/her supervision shall be limited to:

1. Restoring control devices to original factory operating conditions at the set point or within the operating limits determined by the boiler supervisor as set forth in the boiler logbook, or

2. Repair and/or adjustment of the burner system for viscosity changes or to correct fuel-air ratios to restore proper operation at the firing rate

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indicated in the boiler logbook by the boiler supervisor, or

3. Repair or adjustment of any other system not directly related to the primary safety controls or to the pressure vessel to restore such systems to proper operating conditions. Entries of such repairs or adjustments shall be made in the boiler logbook and shall include the signature of those making such repairs or adjustments;

E. Attend any startup of an automatic boiler out of service after corrective work other than limited adjustments or repairs by others as set forth in subsection D has been performed on the boiler, its firing equipment, or its control and safety devices, and remain in constant attendance until:

1. The boiler has reached its preset operating range of pressure, and
2. The primary controls and safety devices have been proved, and
3. The boiler is acceptable to him/her for continued operation.

Provided, the boiler supervisor shall not be required to be in attendance during light-off of original boiler equipment being installed by and under the control of the boiler manufacturer or his/her representative, by a boiler installation contractor or boiler or burner installer making such installation under the manufacturer's written instructions and recommendations, nor shall he/she be required to be in attendance during light-off following adjustment or authorized boiler or burner manufacturer alterations made by the above representative, contractor or installer within the guarantee or warranty time period during which time the representative, contractor or installer is obligated to render such service; provided, however, that such representative, contractor or installer shall furnish the boiler supervisor with recommended set points or operating limits of all control devices and recommended firing rates as well as other pertinent data in writing and shall record all subsequent changes, adjustments, alterations or recommendations in the boiler logbook together with his/her signature;

F. Provide for a substitute boiler supervisor to attend to boilers in his/her charge when he/she is unable to respond to trouble calls. He/she shall list the names, home and business telephone numbers and addresses of substitute boiler supervisors on the front of the boiler logbook;

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G. Respond to trouble calls in accordance with the following:

1. Make verbal contact with the licensed operator, boiler owner or his/her representative within two (2) hours of a trouble call from such person, and
2. Have the capability of being present at a boiler site within four (4) hours on a trouble call from that site;

H. Supervise a boiler or system of boilers not exceeding the limitations of his/her license; however:

1. A boiler supervisor may not act as both boiler supervisor and the licensed operator except when:
 - a. The boiler supervisor is a full-time employee of the boiler owner/user, or
 - b. The licensed operator is unavailable due to vacation, illness or similar temporary circumstances.

(Ord. 117864 § 12, 1995; Ord. 113757 § 4, 1987; Ord. 111301 § 3(part), 1983.)

6.230.160 Observation and inspection of boilers.

A. Nonautomatic Boilers and Steam Engines. No engineer or boiler fireman in charge of a boiler, boiler plant, or steam engine, for the operation of which this chapter requires a license of Grade I, II, III or IV, shall leave the immediate vicinity thereof for more than twenty (20) minutes when such boiler, boiler plant, or steam engine is being operated. No steam engineer or boiler fireman, licensed under this chapter, in charge of any boiler or steam engine shall leave the premises of his/her employment when such boiler or steam engine is being operated without first either stopping the steam engine and shutting off all sources of heat in the boiler or being relieved by a person duly licensed under this chapter.

Provided, that such attendance requirements shall not apply to the operation of small power boilers and power steam boilers having less than one million (1,000,000) BTU per hour input where such boilers are equipped with approved automatic burners and automatic burner safety controls in accordance with applicable provisions of the Boiler Code as now or hereafter amended, relating to oil and gas burners. For such boilers so equipped, the attendance requirements shall be the same as that set forth for power boilers in subsection B of this section.

B. Automatic Boilers. The following provisions relating to the frequency of observation and/or inspection of boilers shall apply to the operation of automatic boilers:

1. Low-pressure hot-water heating boilers, low-pressure steam heating boilers, hot-water supply boilers with a capacity of two million five hundred thousand (2,500,000) to five million (5,000,000) BTU per hour input: monthly check by boiler supervisor, or at least a twice daily check by a licensed operator and quarterly check by a boiler supervisor;
2. Low-pressure hot-water heating boilers, low-pressure steam heating boilers, hot-water supply boilers with a capacity over five million (5,000,000) BTU per hour input: at least a twice daily check by a licensed operator and quarterly check by a boiler supervisor;
3. Power hot water boilers and power steam boilers with a capacity over one hundred thousand (100,000) BTU per hour input: check by licensed operator at two (2) hour intervals;
4. Small power boilers: at least a twice daily check by a licensed operator and semi-annual check by a boiler supervisor.

Provided, that the following attendance requirements shall apply to the operation of automatic boilers equipped with an approved monitoring system: twice daily observation by a licensed operator and monthly check by the boiler supervisor; Provided further, that Grade II steam engineers may attend to Grade I monitored automatic boilers and Grade III steam engineers may attend to Grade II monitored automatic boilers when such boilers are checked weekly by a boiler supervisor.

C. Phrases used in this section shall have the following meanings:

1. "Check by boiler supervisor" means inspection of all controls and safety devices pursuant to the requirements of Section 6.230.150 D.
2. "Check by licensed operator" means supervision of boiler with responsibility for proper operation and maintenance pursuant to the requirements of SMC Sections 6.230.130 and 6.230.140.
3. "Approved monitoring system" means a monitoring system manufactured, installed, and maintained in a manner approved by the Director.
4. "Twice daily check" means two (2) inspections of a boiler that are required to be

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recorded in the boiler logbook by this chapter. The first check of the day shall be made not less than eight (8) hours after the last recorded check of the previous day; the second check of the day shall be made at least six (6) hours after the first recorded check of the day. This definition shall not preclude, in any way, additional checks being made to ensure safe operation of a boiler. Twice daily checks may not be performed by a boiler supervisor unless such boiler supervisor is a full time employee of the boiler owner.

(Ord. 118049 § 6, 1996; Ord. 117864 § 13, 1995; Ord. 113757 § 5, 1987; Ord. 111301 § 3(part), 1983.)

6.230.170 Steam License Advisory Board.

A. There shall be a Steam License Advisory Board consisting of nine (9) members appointed for four (4) year terms by the Department, except that upon making the first appointments the length of terms of the members shall be staggered so that no more than three (3) board members' terms of service expire in the same year.

B. The Steam License Advisory Board shall consist of nine (9) members, with each of the following groups of persons to be represented by three (3) from each group: persons who are, or have been, licensed as a steam engineer or boiler fireman; persons owning boilers or managing boilers for owners; and persons from the general public.

C. The Steam License Advisory Board shall advise and assist the Department in the administration of the steam engineer's and boiler fireman's license examination program, and the Department is authorized to define the duties of and prescribe the procedure for such Board. The Steam License Advisory Board may recommend to the Department such revisions to the Steam Engineer's and Boiler Fireman's Ordinance as it may deem appropriate.

(Ord. 117169 § 110, 1994; Ord. 111301 § 3(part), 1983.)

6.230.180 Enforcement—Filing of charges.

A. The Director of the Department of Construction and Land Use shall enforce this chapter and in such connection is authorized to promulgate rules and regulations as may be deemed necessary to provide the means for ensuring safe and proper installation, repair, use and operation of boilers and steam engines.

B. All charges against any person licensed under the provisions of this chapter shall be filed in writing with the Department.

(Ord. 117169 §§ 111, 112, 1994; Ord. 111301 § 3(part), 1983.)

6.230.190 Posting of regulations.

A copy of the ordinance codified in this chapter or condensed version thereof shall be posted by the employer in every boiler and engine room where licensed operators or boiler supervisors are required.

(Ord. 111301 § 3(part), 1983.)

6.230.210 Unlawful interference with licensee.

- A. It is unlawful for any person to knowingly:
1. Prevent or attempt to prevent any licensee under this chapter from performing any act required to be performed by this chapter; or
 2. Require or attempt to require any licensee under this chapter to perform any act prohibited by this chapter.

B. Conduct made unlawful by this section constitutes a crime subject to the provisions of Chapter 12A.02 of the Seattle Criminal Code, punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment.
(Ord. 113757 § 6, 1987.)

Chapter 6.240

RETAIL SALE OF TOBACCO PRODUCTS

Sections:

- 6.240.010 Definitions.**
- 6.240.020 Tobacco product retailer's license required.**
- 6.240.040 License expiration dates.**
- 6.240.050 Change of route or location of tobacco product retailer's licensed operation.**
- 6.240.070 Tobacco vending machines prohibited except in certain locations.**
- 6.240.080 Sale of tobacco products not contained in sealed, previously unopened packaging bearing legally required health warnings prohibited.**
- 6.240.090 Minors prohibited from purchasing tobacco products.**
- 6.240.100 Proof of voting age required for purchase of tobacco products.**
- 6.240.110 Acceptable forms of proof of age for tobacco product purchasing.**
- 6.240.120 Prohibition against distribution of tobacco product samples.**

6.240.200 Violation of SMC Sections

6.240.020, 6.240.050 through 6.240.080, 6.240.100, or 6.240.120 constitutes civil infraction.

6.240.210 Defense to alleged violation of SMC Section 6.240.100.

6.240.220 Department of Public Health assistance in enforcement.

6.240.010 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. "Minor" means any individual who is less than eighteen (18) years of age.

B. "Tobacco product retailer" means a person who offers for sale or who sells any tobacco product at or from any location to any individual other than a person who purchases the tobacco product for the purposes of resale as tangible personal property in the regular course of business without intervening use by such person.

C. "Tobacco vending machine" means any machine or device designed or used for the vending of a tobacco product upon the insertion of money, a trade check, slug or other activating device.

D. "Tobacco product" means any pipe tobacco, chewing tobacco, snuff, cigar, cigarette, or cigarillo.

(Ord. 115948 § 1, 1991; Ord. 115531 § 1(part), 1991.)

6.240.020 Tobacco product retailer's license required.

No person shall offer for retail sale at any location within The City of Seattle any tobacco product without having a valid City license therefor. For the purposes of this chapter, all tobacco vending machines owned or managed by the same operator at a single business address shall be deemed to be one operation for which a single tobacco product retailer's license shall be required. A separate tobacco product retailer's license shall be required for each motor vehicle from which any tobacco product is offered for retail sale. A license may be issued to authorize the retail sale of tobacco product from a motor vehicle only where such vehicle follows one or more fixed and definite retail sales routes having sales location stops only at business, industrial, or construction

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sites, which routes are precisely described on the license application form submitted to the Director. (Ord. 115948 § 2, 1991; Ord. 115531 § 1(part), 1991.)

6.240.040 License expiration dates.

A tobacco product retailer's license issued pursuant to SMC Section 6.240.020 shall be valid for an initial period ending June 30, 1991; thereafter, any such license shall be valid for an annual period, beginning on the immediately following July 1st, and expiring on the next succeeding June 30th.

(Ord. 115948 § 3, 1991; Ord. 115531 § 1(part), 1991.)

6.240.050 Change of route or location of tobacco product retailer's licensed operation.

In the event a licensed tobacco product retailing operation is relocated to any route different from that identified on a tobacco product retailer's license, such license shall become void. The Director shall issue a tobacco product retailer's license for a new route pursuant to SMC Section 6.202.100 if application therefor is filed pursuant to SMC Sections 6.202.130 and 6.202.140, and the change of route fee specified in SMC Section 6.204.120 is paid. Any license issued pursuant to this section shall expire on the expiration date of the tobacco product retailer's license made void by a change in such licensee's location.

(Ord. 115948 § 4, 1991; Ord. 115531 § 1(part), 1991.)

6.240.070 Tobacco vending machines prohibited except in certain locations.

No tobacco product may be sold or offered for sale from any vending machine unless said machine:

A. Is located fully within premises in which minors are expressly prohibited by law from entering and not less than ten feet (10') from any entrance to or exit from such premises; or

B. Has been provided solely for the use of the employees in a commercial building or industrial plant and is located in an area of such building or plant into which minor employees are usually not permitted to enter, that the public is expressly prohibited from entering, and that has posted, at each entrance to such area, a sign indicating that such area is not open to the public.

(Ord. 115531 § 1(part), 1991.)

6.240.080 Sale of tobacco products not contained in sealed, previously unopened packaging bearing legally required health warnings prohibited.

No tobacco product retailer or any agent or employee thereof shall offer for sale or sell any tobacco product that is not contained in a sealed, previously unopened package bearing, in accordance with any applicable law, the health warning required for such product (if any).

(Ord. 115531 § 1(part), 1991.)

6.240.090 Minors prohibited from purchasing tobacco products.

No minor shall purchase any tobacco product. (Ord. 115531 § 1(part), 1991.)

6.240.100 Proof of voting age required for purchase of tobacco products.

No tobacco product retailer shall sell or permit any agent or employee of such retailer to sell any tobacco product to a potential purchaser where there may be any question of such purchaser's right to purchase a tobacco product because of his or her age, without first having requested and examined identification provided by the potential purchaser that positively establishes that said person is not less than eighteen (18) years old. In the event that the tobacco product retailer or an agent or employee thereof fails to request and examine such identification before making a tobacco product sale and the purchaser was, in fact, less than eighteen (18) years old at the time such failure occurs, such retailer shall be deemed to have had no conclusive basis for determining that a tobacco product sale could lawfully be made to such purchaser. Every tobacco product sale to a minor shall constitute a separate civil infraction unless multiple purchases are made during a single visit by such minor to a tobacco product retailer's premises, in which event all sales made during that visit shall constitute a single civil infraction.

(Ord. 115531 § 1(part), 1991.)

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6.240.110 Acceptable forms of proof of age for tobacco product purchasing.

Any of the following officially issued forms of identification, if not visibly altered and if bearing thereon the cardholder's signature, birth date, and photograph, shall be sufficient proof of age for the purposes of this chapter:

A. A liquor control authority card of identification issued by any state of the United States of America or a province of Canada;

B. A driver's license, instruction permit, or identification card issued by any state of the United States of America or a province of Canada;

C. A United States active duty military identification card;

D. A passport from any nation admitted to the United Nations;

E. A Merchant Marine identification card issued by the United States Coast Guard; or

F. An "identocard" issued by the Washington State Department of Licenses pursuant to RCW 46.20.117.

(Ord. 115531 § 1(part), 1991.)

6.240.120 Prohibition against distribution of tobacco product samples.

A. No person shall, on behalf of a tobacco product retailer, distributor, or manufacturer, or any person or entity having an interest in a tobacco product vending machine, give away or distribute, or employ another to give away or distribute, any sample of any tobacco product to the general public. Each item given away shall constitute a separate infraction.

(Ord. 115948 § 5, 1991: Ord. 115531 § 1(part), 1991.)

6.240.200 Violation of SMC Sections 6.240.020, 6.240.050 through 6.240.080, 6.240.100, or 6.240.120 constitutes civil infraction.

A. Notwithstanding any contrary provision in SMC Section 6.202.470, each act or omission in violation of SMC Sections 6.240.020, 6.240.050 through 6.240.080, 6.240.100, or 6.240.120 shall constitute a civil infraction, which shall be punishable as follows:

Initial Infraction. Imposition of a monetary penalty of Fifty Dollars (\$50.00) and, where applicable, suspension of the tobacco product retailer's license for not less than thirty (30) nor more than ninety (90) days;

Second Infraction. Imposition of a monetary penalty of One Hundred Twenty-five Dollars (\$125.00) and, where applicable, suspension of the tobacco product retailer's license for not less than ninety-one (91) nor more than one hundred eighty (180) days;

Third and Any Succeeding Infraction. Imposition of a monetary penalty of Two Hundred Fifty Dollars (\$250.00) and, where applicable, suspension of the tobacco product retailer's license for not less than nine (9) nor more than eighteen (18) months, or revocation of such license;

Provided, that each person found to have committed such a civil infraction shall also be given notice that any subsequent civil infraction may result in the imposition of an increased monetary penalty or a longer license suspension or license revocation. In the event a tobacco product retailer's license is suspended for a period of time greater than that remaining before such license would expire, then, notwithstanding any provision in SMC Chapter 6.202 to the contrary, such licensee shall be ineligible to renew or replace such license until the day after the period of suspension ends.

(Ord. 115948 § 6, 1991: Ord. 115531 § 1(part), 1991.)

6.240.210 Defense to alleged violation of SMC Section 6.240.100.

A. The establishment, by a preponderance of the evidence, that a tobacco product retailer acted in good faith to prevent a violation of SMC Section 6.240.100 and that any such violation occurred despite such retailer's exercising of due diligence, shall be a valid defense against allegation that such retailer violated SMC Section 6.240.100.

B. A tobacco product retailer may establish that he, she, or it exercised due diligence to prevent a violation of SMC Section 6.240.100 only by proving that such retailer:

1. Conspicuously posted and reasonably maintained appropriate signs notifying potential customers that identification is required to purchase any tobacco product;

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2. Conspicuously posted and reasonably maintained appropriate signs in areas frequented by employees and agents of such retailer (such as near time cards or in lunchrooms) reminding them of this ordinance and the sanctions contained herein for violations;

3. Conspicuously posted and reasonably maintained appropriate signs near such retailer's cash registers or comparable facilities reminding employees and agents of such retailer to check a customer's identification before selling any tobacco product to such customer if the employee or agent has any doubt regarding the customer's legal right to purchase a tobacco product;

4. Required each person employed by or acting as the agent of such tobacco product retailer on or after the effective date of the ordinance codified in this chapter¹ whose duties may include the offering for sale or the selling of any tobacco product to read this chapter or a summary thereof, which shall be provided by the Department, upon request, and to sign a declaration attesting that he or she has read this chapter or the Department's summary thereof, and understands and will comply with the same;

5. Provided each of such tobacco product retailer's employees and agents whose duties may include the offering for sale or the selling of any tobacco product for or on the behalf of such retailer, with a written list of the types of identification that are acceptable under SMC Section 6.240.110 to establish a customer's legal age; and

6. Imposed discipline on any employee or agent found to have been responsible for a violation of this chapter.

(Ord. 115531 § 1 (part), 1991.)

1. Editor's Note: Ordinance 115531 was passed by the City Council on February 11, 1991.

6.240.220 Department of Public Health assistance in enforcement.

The Director of Public Health shall cooperate with and assist the Director in the enforcement of this chapter, as requested by the Director.

(Ord. 115531 § 1(part), 1991.)

**Chapter 6.260
RESIDENTIAL SALES**

Sections:

6.260.010 Definitions.

6.260.020 License—Fees.

6.260.030 License—Expiration date.

6.260.040 License—Required—Exceptions.

6.260.050 Unlawful acts.

6.260.060 Financial responsibility.

6.260.070 Applicant investigation.

6.260.080 License—Product or services sold.

6.260.090 Residential seller—Agent card.

6.260.100 License—Display.

6.260.110 Disclosure of product and purpose.

6.260.120 Receipt and notice to buyer.

6.260.010 Definitions.

For the purposes of this chapter:

A. "Home sales party" means gatherings in private residences where those in attendance are invited guests and where goods, wares, merchandise or services are sold or offered for sale.

B. "Residential sales" means selling goods or services where some part of the transaction occurs at the buyer's residence.

C. "Residential seller" means any person who initiates contact with consumers at their places of residence for the purpose of selling, attempting to sell, or soliciting appointments or

contacts for future sale of goods or services, and where the consumer is at his/her place of residence when agreement to buy is given. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.020, 1980.)

6.260.020 License—Fees.

The annual fee for a residential sales license is established by the License Fee Ordinance.¹ (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.022, 1980.)

¹Editor's Note: The License Fee Ordinance is codified in Chapter 6.204 of this Code.

6.260.030 License—Expiration date.

Residential sales licenses and residential sales agent licenses expire annually on May 31st. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.024, 1980.)

6.260.040 License—Required—Exceptions.

It is unlawful for any person to engage in business as a residential seller in the City without first obtaining a residential sales license therefor; provided, that no license shall be required for:

- A. Any person selling newspapers, or fresh or perishable food items; or
 - B. Any person holding a home sales party; or
 - C. Any person who acts as a residential seller on behalf of a licensee; or
 - D. Any person who, as an agent, acts as a peddler on behalf of a regulated utility; or
 - E. Any person who merely solicits orders for goods, which orders are to be accepted and goods delivered at a future time from a place outside of Washington State.
- (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.030, 1980.)

6.260.050 Unlawful acts.

It is unlawful for any residential seller or agent to:

- A. Make untrue, deceptive, or misleading statements about the product or services sold for the purposes of procuring a sale or offer for sale;
- B. Make any untrue, deceptive, or misleading statement regarding the purposes of his/her contact with a potential customer;
- C. Sell before eight (8:00) a.m. or after nine (9:00) p.m. of any day without the specific prior consent of the prospective buyer;

D. Attempt to gain admittance for the purpose of selling at any residence at which a sign bearing the words "no peddlers," "no solicitors," or words of similar import is posted, unless at the invitation or with the consent of the occupant thereof. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.140, 1980.)

6.260.060 Financial responsibility.

Each applicant for a residential sales license shall submit to the Director for filing with the City Clerk a surety bond naming himself or herself and all of his or her agents as principals, and conditioned as provided by the general provisions of the new license code.¹ The Director shall establish the amount of the bond by assessing the risk of loss to the public in case of the seller's default or in case the product he or she sells injures a consumer. (Ord. 116368 § 197, 1992; Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.150, 1980.)

¹Editor's Note: The general provisions of the new license code are codified in Chapter 6.202 of this Code.

6.260.070 Applicant, investigation.

The application for residential seller's license shall include a criminal record check. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.200, 1980.)

6.260.080 License—Product or services sold.

The license shall be endorsed with a statement of the type of product or service sold by the licensee. The license is valid only for the product or service specified. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.210, 1980.)

6.260.090 Residential seller—Agent card.

Each licensee who employs others as agents shall procure residential seller's agent identification for each agent, which shall be identical to the licensee's license except that additionally the agent's name shall appear on the identification license. (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.215, 1980.)

6.260.100 License—Display.

All licensees and agents shall conspicuously display on their outer clothing their residential sales license or residential sales agent licenses

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when selling. If selling is by telephone, information adequate to identify the license must be disclosed on demand.

(Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.220, 1980.)

6.260.110 Disclosure of product and purpose.

Each residential seller or agent shall, immediately upon contacting the prospective buyer, disclose to the prospective buyer his/her name, company, and the product or service represented. If requested to do so, he/she shall leave the premises immediately.

(Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.230, 1980.)

6.260.120 Receipt and notice to buyer.

A. Every sale having a price of Ten Dollars (\$10.00) or more, made or order taken by a residential seller, shall be evidenced by a signed receipt, contract, or other signed memorandum of the transaction which shall be given to the purchaser. Such receipt, contract, or memorandum shall state the date and terms of the transaction, the amount of any payment made, the name and address of the residential seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten (10) points, the following notice:

NOTICE TO BUYER

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

B. The seller must furnish each buyer, at the time he/she signs any sales contract or otherwise buys or agrees to buy goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION," which shall be attached to the contract, receipt, or memorandum and easily detachable, and which shall contain in ten (10) point bold type the following information and statements in the same language, e.g., Spanish, as that used in such contract, receipt or memorandum:

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NOTICE OF CANCELLATION

(Enter date of Transaction)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE (3) BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN TEN (10) BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED. IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY, IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO NOT AGREE TO RETURN THE GOODS TO THE SELLER AND IF THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM TO

(name of seller). . . ., AT.....
(Address of seller's place of business)

..... NOT
LATER THAN MIDNIGHT OF (Date)

For current SMC, contact the Office of the City Clerk

I HEREBY CANCEL THIS TRANSACTION.
 (date)

.....
 (Buyer's Signature)

C. The sending of any notice of cancellation within the specified period shall operate to cancel the purchase made or contract entered into, and the seller shall thereupon, without request, refund to the buyer any deposit or payment made, and in accordance with the notice of cancellation may reclaim from the buyer at the place of delivery any goods received by the buyer under such purchase or contract.
 (Ord. 109271 § 1(part), 1980; Ord. 108934 § 30.310, 1980.)

**Chapter 6.270
 ADULT ENTERTAINMENT¹**

Sections:

- 6.270.010 Findings of fact.**
- 6.270.020 Application of other provisions.**
- 6.270.030 Definitions.**
- 6.270.040 Adult entertainment premises license.**
- 6.270.050 License for managers and entertainers.**
- 6.270.060 License fees.**
- 6.270.070 License applications.**
- 6.270.080 License—Applicant investigation.**
- 6.270.090 Issuance of licenses.**
- 6.270.100 Standards of conduct and operation.**
- 6.270.110 License—Posting and display.**
- 6.270.120 Manager on premises.**
- 6.270.130 Hours of operation.**
- 6.270.140 Persons under eighteen (18) years of age prohibited.**
- 6.270.150 Suspension or revocation of premises license.**

Severability: The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of its application to other persons or circumstances.
 (Ord. 114225 § 4, 1988.)

Editor's Note: Through June 30, 1997 or until new land use regulations governing the location of adult cabarets take effect, whichever is sooner, no use permit shall be issued, nor shall any use permit application or

building permit application be accepted, for any adult entertainment premises as defined in SMC Chapter 6.270.
 (Ord. 118102 § 2, 1996; Ord. 117625 § 2, 1995.)

6.270.010 Findings of fact.

Based on public testimony and other evidence and information before it, the Seattle City Council makes the following findings of fact:

A. Certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the City and therefore, such conduct must be regulated as provided herein.

B. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred.

C. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

D. It is necessary to have a licensed manager on the premises of an establishment during the establishment's hours of operation so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

E. The license fees required herein are nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the City in regulating the adult entertainment industry.

F. Businesses providing adult entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity which is currently not subject to effective regulation and which constitutes an immediate threat to the public peace, health and safety.
 (Ord. 116541 § 1, 1993; Ord. 114225 § 1(part), 1988.)

6.270.020 Application of other provisions.

The licenses provided for in this chapter are subject to the general provisions of the New Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a conflict between the provisions of Chapter 6.202

For current SMC, contact
 the Office of the City Clerk

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and this chapter, the provisions of this chapter shall control.
(Ord. 114225 § 1(part), 1988.)

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 City of Seattle Finance Department.

D. “Director” or “Finance Director” means the Director of the Finance Department 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 enter-

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tainment 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.

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.

(Ord. 117169 § 113, 1994: Ord. 116541 § 2, 1993: Ord. 114225 § 1(part), 1988.)

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 Finance Director 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.

(Ord. 117169 § 114, 1994: Ord. 114225 § 1(part), 1988.)

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 Finance Director a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively. (Ord. 117169 § 115, 1994: Ord. 114225 § 1(part), 1988.)

6.270.060 License fees.

The license year for all fees required under this chapter shall be from January 1st to December 31st. All license fees shall be payable on an annual basis, which fees shall be as follows:

A. Adult entertainment premises license, Six Hundred Thirty-five Dollars (\$635.00) per year;

B. Adult entertainer's license, Sixty-five Dollars (\$65.00) per year;

C. Adult entertainment manager's license, Sixty-five Dollars (\$65.00) per year.

(Ord. 116466 § 1, 1992: Ord. 114225 § 1(part), 1988.)

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 Finance Director, 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;

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,

1. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or

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.

(Ord. 117169 § 116, 1994; Ord. 116541 § 3, 1993; Ord. 114225 § 1(part), 1988.)

6.270.080 License—Applicant investigation.

The Director shall investigate an application for a license required in subsection A of Section 6.270.070 by requesting criminal records and a confirmation of zoning compliance from appropriate City agencies. The Director shall investigate an application for a license required in subsection B of Section 6.270.070 by requesting criminal records from appropriate City agencies.

(Ord. 114225 § 1(part), 1988.)

6.270.090 Issuance of licenses.

A. After an investigation, the Director shall issue the applicable license or licenses authorized by this chapter if the Director finds:

1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the State, the ordinances of the City, as well as the requirements of this chapter;

2. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the Director;

3. That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of eighteen (18) years.

(Ord. 114225 § 1(part), 1988.)

6.270.100 Standards of conduct and operation.

A. The following standards of conduct must be adhered to by employees of any adult entertainment premises:

shall move or remove such attire, or allow such attire to be moved or removed so as to expose to

(Seattle 9-94)

6.270.100 BUSINESS REGULATIONS

view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.

2. No employee or entertainer shall perform acts of or acts which simulate:

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ADULT ENTERTAINMENT

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a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

b. The touching, caressing or fondling of the breasts, buttocks or genitals; or

c. The displaying of the pubic region, anus, vulva or genitals; except as provided for in subdivision 1 of this subsection.

3. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision 1 of this subsection.

4. No employee or entertainer shall knowingly:

a. Touch, caress or fondle the breast, buttocks, anus, genitals or pubic region of another person; or

b. Permit the touching, caressing or fondling of his or her own breasts, buttocks, anus, genitals or pubic region by another person; or

c. Permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.

5. No manager or operator shall knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.

6. No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.

7. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

8. No entertainer of any adult entertainment premises shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, on the premises.

9. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this chapter.

10. No entertainer shall demand or collect any payment or gratuity from any patron for entertainment before its completion.

11. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

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6.270.100 BUSINESS REGULATIONS

THIS ADULT ENTERTAINMENT
ESTABLISHMENT IS REGULATED
BY THE CITY OF SEATTLE.
ENTERTAINERS ARE:

a. Not permitted to engage in any type of sexual conduct;

b. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so 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, except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.

c. Not permitted to demand or collect any payment or gratuity from any patron for entertainment before its completion.

12. No manager or operator shall knowingly or recklessly permit or allow any employee or entertainer to violate any provision of this chapter.

B. At any adult entertainment premises, the following are required:

1. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals and/or anus may be visible outside of the adult entertainment premises.

2. Sufficient lighting shall be provided in and about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.

3. No entertainment shall be provided in any areas from which any other person may be prevented from entering, whether by a locking door or in any other manner.

C. This chapter shall not be construed to prohibit protected expression, such as:

1. Plays, operas, musicals, or other dramatic works that are not obscene;

2. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene; or

3. Exhibitions, performances, expressions or dances that are not obscene.

D. For purposes of this chapter, an activity is "obscene" if:

1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;

2. The activity depicts patently offensive representations, as measured against community standards, of:

a. Ultimate sexual acts, normal or perverted, actual or simulated, or

b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

3. The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

E. No manager, owner, entertainer or employee shall operate or maintain any warning procedures or device, of any nature or kind, for the purpose of warning any other person that police officers or City health, fire, licensing or building inspectors are approaching or have entered the adult entertainment premises.

F. It is unlawful for any person to violate any of the provisions of this Section 6.270.100.

(Ord. 116541 § 4, 1993; Ord. 114225 § 1(part), 1988.)

6.270.110 License—Posting and display.

A. Every adult entertainer shall post his or her license in his or her work area so it is readily available for inspection by City authorities responsible for enforcement of this chapter.

B. Every person, corporation, partnership, or association licensed under this chapter as an adult entertainment premises or adult entertainment manager shall post such license in a conspicuous place and manner on the licensed premises.

C. Each manager and/or operator shall be responsible for maintaining a daily log, on a form provided by the Director, of all employees, entertainers, and managers working at the adult entertainment premises each day. The log shall list the employee's entertainer's and manager's name as it is listed on his/her license, license number, stage name, if any, the time he/she arrived at the adult entertainment premises, and the time he/she left the adult entertainment premises. Each employee, entertainer and manager shall sign his/her name in the daily log each time he/she arrives and leaves the adult entertainment premises.

D. It is unlawful for any person to violate any of the provisions of this Section 6.270.110. (Ord. 116541 § 5, 1993; Ord. 114225 § 1(part), 1988.)

6.270.120 Manager on premises.

A. A licensed manager shall be on duty at an adult entertainment premises during the adult entertainment premises' hours of operation. The name of the manager on duty shall be prominently posted during business hours.

B. Any adult entertainment premises found to be operating without a manager on duty shall be immediately closed until a licensed manager arrives for duty at the adult entertainment premises pursuant to Section 6.270.120 A.

C. The manager shall verify that each entertainer performing while the manager is on duty possesses a current and valid entertainer's license, as required by this chapter. The manager shall verify that such adult entertainment license is posted in the manner required by Section 6.270.110.

(Ord. 116541 § 6, 1993; Ord. 114225 § 1(part), 1988.)

6.270.130 Hours of operation.

It is unlawful for any adult entertainment premises to be conducted, operated, or otherwise open to the public between the hours of two-thirty a.m. (2:30 a.m.) and ten a.m. (10:00 a.m.).

(Ord. 114225 § 1(part), 1988.)

6.270.140 Persons under eighteen (18) years of age prohibited.

A. It is unlawful for any person under the age of eighteen (18) years to be in or upon any premises for which an adult entertainment premises license is required. Only the following types of identification will be accepted as proof of age:

1. A motor vehicle operator's license issued by any state, bearing the applicant's photograph and date of birth;
2. A state-issued identification card bearing the applicant's photograph and date of birth;
3. An official passport issued by the United States of America;
4. An immigration card issued by the United States of America;
5. Any other picture identification bearing the applicant's photograph and date of birth by a governmental agency.

B. It is unlawful for any owner, operator, manager, or other person in charge of a premises for which an adult entertainment premises license is required, to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises.

(Ord. 116541 § 7, 1993; Ord. 114225 § 1(part), 1988.)

6.270.150 Suspension or revocation of premises license.

In addition to the reasons set forth in SMC Section 6.202.230 as now or hereafter amended, an adult entertainment premises license may be suspended or revoked upon a finding that:

A. The licensee permitted or authorized his or her employees, agents, entertainers or managers to violate any of the provisions of this chapter; or

B. The adult entertainment manager permitted or authorized any violation of any of the provisions of this chapter by any person.

(Ord. 114225 § 1(part), 1988.)

**Chapter 6.288
USED GOODS DEALERS**

Editor's Note: Until December 26, 1994, no "Pawnbroker" endorsement to a used goods dealer license shall be issued to conduct a pawnbroker business at a location where no lawful pawnshop is operating on the effective date of this ordinance unless prior to December 26, 1994, the City Council finds that the Chief of Police has successfully implemented a computerized system for tracking goods pawned to or otherwise acquired by pawnbrokers who are required to or choose to report transactions electronically and other used goods dealers who choose to report transactions electronically, and that the computerized system is capable of handling the increase in volume of pawn transactions that is anticipated to occur when more pawnshops are allowed in the City. (Ord. 117371 § 2, 1994; Ord. 116924 § 8, 1993.)

Sections:

6.288.010 Definitions.

6.288.020 Expiration date.

6.288.030 License required—Exceptions.

6.288.040 Pawnbrokers—Location limitations.

6.288.045 Metal haulers—Special regulations.

6.288.050 Unlawful acts.

6.288.060 Notification of new pawnbroker business.

6.288.065 Pawnbrokers—Limitation on numbers.

6.288.070 Duty to record transactions.

6.288.080 Duty to report transactions.

6.288.010 BUSINESS REGULATIONS

6.288.085 Computerized reporting of pawnshop information.

6.288.090 Police seizures—Police holds—Duties and obligations.

6.288.100 Retention of property.

6.288.110 Inspection of records and goods.

6.288.120 Retention of goods—Rates of interest and other fees—Notice of rates must be posted.

6.288.130 Firearms dealer licenses required.

6.288.010 Definitions.

A. "Non-metal junk" means any non-metal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form.

B. "Pawnbroker" means any person engaged, in whole or in part, in the business of loaning money upon the security of pledges of personal property, or deposits or conditional sales of personal property, and the purchase or sale of personal property.

C. "Reprocessed goods" means any item of personal property that is substantially rebuilt or remanufactured.

D. "Scrap metal" means any used metal, except gold, silver, or platinum, that is no longer useful as it was intended to be used in its original form, or that is commonly gathered up and sold to be converted into another form.

E. "Scrap metal hauler" means any used goods dealer in scrap metal, who does not maintain a storage yard or similar facility, and who goes from place to place operating a vehicle carrying scrap metal that has been purchased or gathered and is to be sold.

F. "Scrap metal processor" means any used goods dealer who buys and stores scrap metal in any form, except gold, silver, or platinum.

G. "Used goods" means any item of personal property offered for sale not as new, including metals in any form except coins that are legal tender, but excluding books, magazines and postage stamps.

H. "Used goods dealer" means any pawnbroker, scrap metal processor, scrap metal hauler, or person engaged in the business of purchasing, selling, trading, auctioning, consignment selling, or otherwise transferring for value, used goods.

I. "School" means an educational facility of Seattle School District No. 1 or of an adjoining school district, and also means a "residential

school" as that term is defined in Sections 28A.190.010 and 28A.190.020 RCW, and also means a private facility used for education now or hereafter approved as a school by the Superintendent of Public Instruction of the State of Washington under Chapter 28A.195 RCW. It does not include home-based instruction whether or not that instruction meets the requirements of Subsection 28A.225.010(4) RCW. The designation of the grounds of a school on the map of "drug-free zones" maintained in the offices of the Seattle Police Department shall be conclusive evidence that a school exists on that site for purposes of this chapter.

J. "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(Ord. 117730 § 1, 1995; Ord. 116924 § 1, 1993; Ord. 115843 § 1, 1991; Ord. 110082 § 1, 1981; Ord. 109818 § 1(part), 1981.)

6.288.020 Expiration date.

Used goods dealers' licenses expire annually on March 31st.

(Ord. 109818 § 1(part), 1981.)

6.288.030 License required—Exceptions.

A. It is unlawful to engage in business as a used goods dealer without first obtaining a used goods dealer's license issued in accordance with this Code. It is unlawful to engage in business as a pawnbroker without first obtaining from the Director a "Pawnbroker" endorsement on a used goods dealer's license.

B. The provisions do not apply and a license is not required:

1. To give an allowance for the trade-in or exchange of used goods on the purchase of new merchandise of the same kind of greater value, and to resell the trade-in;

2. To engage in the business of reprocessing goods or selling reprocessed goods;

3. For any secured party, as defined by RCW 62A.9-105(i) as amended, to dispose of his or her own collateral after default, in accordance with RCW 62A.9-504 as amended;

4. To sell unredeemed or unclaimed goods he/she has repaired in the regular course of his/her repair service, in order to collect his/her mechanic's lien; provided that records establishing customer identification, article description and

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transaction date be made available to the Chief of Police for inspection upon request;

5. To buy or sell empty food and beverage containers or nonmetal junk;

6. To buy scrap metal in transactions for Twenty-five Dollars (\$25.00) or less, and to sell scrap metal accumulated through those transactions;

7. To engage in business as a used automobile dealer, if holding a valid Washington State License pursuant to RCW 46.70;

8. To engage in business as a tow truck operator if holding a valid Seattle tow truck operator license;

9. To engage in business as a motor vehicle wrecker, or hulk hauler, if validly licensed as a motor vehicle wrecker or hulk hauler pursuant to RCW 46.79 or RCW 46.80;

10. To engage in business at flea markets or swap meets less than four (4) times per year. (Ord. 116924 § 3, 1993; Ord. 115843 § 2, 1991; Ord. 110082 § 2, 1981; Ord. 109818 § 1(part), 1981.)

6.288.040 Pawnbrokers—Location limitations.

A. No “pawnbroker” endorsement to a used goods dealer license shall be issued to conduct any pawnshop located within a distance of five hundred feet (500’) from the grounds of a public, parochial or private school, if the business offers firearms for sale, has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale, unless such pawnshop was lawfully conducted at the same location within such area by a licensed pawnbroker on December 26, 1993 and has been continuously operated at that location by the same licensee ever since, or the school was established after the pawnshop was licensed at that location.

B. A “pawnbroker” endorsement shall be issued only to conduct a pawnshop located within any of the following land use zones as those zones are mapped from time to time in the Official Land Use Map of The City of Seattle, which is part of Title 23 of the Seattle Municipal Code:

C1, C2, DOC1, DOC2, DRC, DMC, DMR, PSM, IDM, IDR, DH1, DH2, PMM, IG1, IG2, IB, IC.

(Ord. 117730 § 2, 1995; Ord. 116924 § 2, 1993; Ord. 109818 § 1(part), 1981.)

6.288.045 Metal haulers—Special regulations.

A. Notwithstanding any other requirements of this chapter, scrap metal haulers shall:

1. Attach license indicia to any vehicle used for scrap metal hauling, which license indicia

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shall be issued by the Director and attached as prescribed by the Director;

2. Maintain a record of all property acquired for which no purchase price is paid, including the name and address of the person from whom the property is acquired, the address of the location from which the property is acquired, and information as required in subsection B of Section 2.88.070.

B. Scrap metal haulers are not required to retain property, as required in Section 2.88.100 of this chapter.

C. Any violation of this section is a violation of this Code.
(Ord. 110082 § 6, 1981.)

6.288.050 Unlawful acts.

It is unlawful for any used goods dealer or his/her employee to:

A. Refuse to allow the inspections as required in Section 6.288.110; or

B. Falsify, obliterate, destroy or remove from his/her place of business any record that is required to be maintained by this chapter, within three (3) years from the date of the transaction; or

C. Receive any property from any person under the age of eighteen (18) years, any person under the influence of intoxicating liquor or drugs, or any person known to the used goods dealer as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten (10) years whether the person is acting in his or her own behalf or as the agent of another; or

D. Remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge. In addition an item shall not be accepted for pledge or a purchase where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated.

(Ord. 115843 § 3, 1991; Ord. 109818 § 1(part), 1981.)

6.288.060 Notification of new pawnbroker business.

Whenever a used goods licensee plans to engage in the business of pawnbroker, at a location not licensed for pawnbroker activity in the previous license year, he/she shall first notify the Chief of Police in writing thirty (30) days in advance of the first day of doing business as a pawnbroker.

(Ord. 115843 § 4, 1991; Ord. 109818 § 1(part), 1981.)

6.288.065 Pawnbrokers—Limitation on numbers.

A. Until January 1, 1998, only a limited number of Pawnbroker endorsements may be issued for the conduct of pawnbroker businesses at locations not licensed for pawnbroker activity on the effective date of the ordinance codified in this section. That limited number of new location Pawnbroker endorsements shall be not greater than twenty-five percent (25%) of the number of lawful Pawnbroker endorsements existing on the effective date of the ordinance codified in this section. If not already a whole number, this growth limitation shall be rounded up to the nearest whole number. Moreover, from December 26, 1994, until January 1, 1996, no more than two (2) Pawnbroker endorsements shall be issued for the conduct of pawnbroker business at locations not licensed for pawnbroker activity on December 25, 1994. From January 1, 1996, until January 1, 1998, no more than two (2) Pawnbroker endorsements shall be issued in each calendar year for the conduct of pawnbroker businesses at locations not licensed for pawnbroker activity on December 31st of the immediately preceding year.

B. Notwithstanding anything contained in subsection A of this section, no Pawnbroker endorsement shall be issued for the conduct of a pawnbroker business at a location not licensed for pawnbroker activity in the previous year if, on the March 30th next preceding the effective date of the license for which the Pawnbroker endorsement is sought, the number of locations licensed for pawnbroker activity exceeds one (1) for every fifteen thousand (15,000) inhabitants of the City, as reflected in the then most current final population figures available from the Washington State Office of Financial Management or its functional successor. Subsections A and B shall not restrict reissuance of a Pawnbroker endorsement to a new location.

C. The Chief of Police shall adopt and publicize a process for allocating new Pawnbroker en-

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dorsements by chance if there are or there are reasonably expected to be more new applicants in a year or other pertinent time period than the number of new endorsements permitted.

D. The Chief of Police shall report to the City Council's Public Safety Committee or its functional successor during 1997 on the status of its program for tracking pawn transactions and monitoring pawnshop operations. (Ord. 117730 § 3, 1995; Ord. 117371 § 1, 1994; Ord. 116924 § 4, 1993.)

6.288.070 Duty to record transactions.

It is a violation for any used goods dealer to fail to maintain in his/her place of business a bound book or other permanent record, including a computerized recordkeeping and data transmission system approved by the Chief of Police, in which shall be legibly written in the English language, at the time of each pawn, purchase or consignment, a record thereof containing:

A. For Used Goods Other Than Scrap Metal.

1. Information identifying the transaction as follows:

- a. The date of the transaction, and
- b. The name of the person conducting the transaction on behalf of the licensee, or the identification number of such person,
- c. A description of the property pawned, traded, sold or consigned to the licensee including brand name, serial and model numbers, pattern or type, engravings, size, color, markings, shape and any peculiarity likely to identify the property. In the case of firearms, that shall include the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun. In the case of watches, that shall include the name of the maker and the number of both the works and the case, if any. In the case of jewelry, that shall include a description of all letters and marks inscribed thereon and the color of any stone. If the article bought or received is furniture, or the contents of any house or room actually inspected by the licensee on the premises of the seller, pawnor or consignee, a general record of the transaction shall be sufficient, and
- d. The price paid or the amount loaned, and
- e. A pawn, purchase or other number identifying the transaction and the merchandise it involves, and

f. The identification number of the used goods dealer assigned by the Chief of Police;

2. Information identifying the person pawning, trading, selling, or consigning property to the licensee as follows: the name, date of birth, residence address, general physical description, signature, and a description of the identification presented by the person, consisting of two (2) corroborating pieces of identification including one (1) piece of current government issued picture identification or a valid motor vehicle operator's license number, and the name and residence address of the owner of the property pawned, traded, sold or consigned to the licensee, and the address of the place from which the property pawned, traded, sold or consigned to the licensee was last removed.

B. For Scrap Metals.

1. Information identifying the transaction as follows:

- a. The name of the seller,
- b. The address of the seller,
- c. The signature of the seller,
- d. The date of the transaction,
- e. A description of the property purchased sufficient to enable the purchaser to associate the property purchased with the purchase transaction,
- f. The seller's driver's license number, and the number of his or her vehicle license, if either:
 - i. The seller is not known to the purchaser as a regular customer identified in his records and the scrap metal sold remains in a discernable manufactured form, and has not been broken or fused into an amorphous state, or

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ii. The seller is a regular customer and delivers goods for which the commercial value would appear to be greater than the scrap value and there is no proof of authority to sell the type of goods delivered.

The Director may approve recordkeeping systems that maintain the required information in any form that is useful to the City.

(Ord. 115843 § 5, 1991; Ord. 110082 § 3, 1981; Ord. 109818 § 1(part), 1981.)

6.288.080 Duty to report transactions.

A. Upon request, every used goods dealer shall furnish, to the Chief of Police, before noon of each day, and upon such forms as the Chief of Police may provide, a full, true and correct transcript of the record of all transactions made on the preceding day, kept pursuant to Section 6.288.070 of this chapter.

B. The Chief of Police may determine that records regarding purchases of used goods from licensees are necessary to determine the flow of stolen goods in some or all segments of the used goods industry. In such a case, a used goods dealer

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USED GOODS DEALERS

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shall record, and upon request, shall furnish to the Chief of Police, before noon of each day, the following information regarding a transaction in which goods are sold by, or otherwise acquired from, the licensee:

1. The date of the transaction; and
2. The name of the person conducting the transaction on behalf of the licensee or the identification number of such person; and
3. A description of the property acquired from the licensee including brand name, serial and model numbers, pattern or type, engravings, size, color, markings, shape and any peculiarity likely to identify the property. In the case of firearms, the information shall include the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun. In the case of watches, the information shall include the name of the maker and the number of both the works and the case, if any. In the case of jewelry, the information shall include a description of all letters and marks inscribed thereon and the color of any stone. If the article bought or received is furniture, or the contents of any house or room actually inspected by the licensee on the premises of the seller, pawn, or consignee, a general record of the transaction shall be sufficient; and
4. The price paid or the amount loaned; and
5. A sale, or other number identifying the transaction and the merchandise it involves; and
6. The identification number of the used goods dealer assigned by the Chief of Police; and
7. The name and address of the person acquiring property from the used goods dealer.

(Ord. 115843 § 6, 1991; Ord. 110082 § 4, 1981; Ord. 109818 § 1(part), 1981.)

6.288.085 Computerized reporting of pawnshop information.

A. From and after the date called for by the phase-in schedule in subsection C, every pawnbroker except those exempted by operation of subsection D shall, before noon of each day, transmit to the Chief of Police by means of electronic transmission through a modem or similar device or by delivery of a computer disk, in such a format that the data are capable of direct electronic entry into the Seattle Police Department's computerized system for identifying and tracing lost, stolen, and sought-after property, the information Section 6.288.070 requires be recorded concerning all transactions in which the licensee received used goods the preceding day by pawn, trade, purchase, or consignment.

B. The Chief of Police shall by rule adopted in accordance with the Administrative Code, Seattle Municipal Code Chapter 3.02, establish the format

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and requirements for the transmission of data and may by rule restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests. Each pawnbroker shall pay a fee of Twenty-five Cents (\$.25) per transaction required to be electronically reported if the electronic report transmitted to the Chief of Police is erroneous, duplicative, or in an incorrect or incompatible format, or if no electronic report of the transaction is transmitted.

C. Pawnbrokers shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:

1. For each pawnshop for which a Pawnbroker endorsement is first obtained on or after the effective date of the ordinance codified in this section, effective upon commencing business or one month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;

2. For each pawnshop for which a Pawnbroker endorsement was first obtained before the effective date of the ordinance codified in this section that by the effective date of the ordinance codified in this section has adopted a computerized recordkeeping system for maintaining its own record of transactions, no later than one month after the effective date of the initial rules adopted pursuant to subsection B;

3. For each other pawnshop for which a Pawnbroker endorsement was first obtained before the effective date of the ordinance codified in this section, not later than January 1, 1995, or one month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later.

The Chief of Police may for good cause shown grant a pawnbroker an extension of the otherwise applicable deadline to a date not later than June 30, 1995. An extension may only be granted: upon written application by the pawnbroker; upon a showing that the pawnbroker is making satisfactory progress toward acquiring computer

programs and equipment to make the necessary transmission; and upon agreement by the pawnbroker to pay to the City a fee of Twenty-five Cents (\$.25) per transaction reported after the otherwise applicable deadline to offset the Seattle Police Department's costs in converting the data from paper format into electronic form.

D. Pawnbrokers need not report electronically transactions taking place at a business location where the number of pawn transactions in no week exceeds ten (10) (calculated from each Monday through the next Sunday, inclusive). A pawnbroker reasonably believing a location at which he or she conducts a pawnshop qualifies under this subsection for exemption from computerized reporting and wishing to be exempt from the requirement of subsection A shall sign, under penalty of perjury, a declaration to that effect in a form developed by the Chief of Police, and once the declaration is signed, so long as the volume of transactions does not exceed ten (10) each week, pawn transactions taking place at that pawnshop need not be reported electronically, but the pawnbroker must comply in all respects with Sections 6.288.070 and 2.688.080, and must pay to the City the sum of Twenty-five Cents (\$.25) per pawn transaction to offset the Seattle Police Department's costs in converting the data from paper format into electronic form. If, in any two (2) weeks in any consecutive three (3) month period, the number of pawn transactions at such a pawnshop exceeds ten (10), then the pawnbroker shall cease conducting pawn transactions at that business location until a computerized system is in place and pawn transactions are being reported electronically in compliance with subsections A, B, and C of this section.

E. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, pawnbrokers shall be given at least thirty (30) days to comply with the new format requirements.

(Ord. 116924 § 7, 1993.)

6.288.090 Police seizures—Police holds—Duties and obligations.

A. In addition to retention of property required by this Code, any police officer of The City of Seattle, having probable cause to believe that any used good in the possession of a licensee is lost or stolen, may seize such item at any time. In the event of such a seizure, the used goods dealer

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shall be entitled to a written receipt for the item from the Seattle Police Department.

B. In lieu of immediate seizure, a police officer may place a verbal "hold" upon the property. Written notice must be given within ten (10) business days and may be accomplished by making an entry upon the permanent record required by Section 6.288.070, indicating that such item is lost or stolen property. If written notice is not received by the used goods dealer within ten (10) business days from the date of the verbal hold the hold order will cease.

C. In response to a hold order, the used goods dealer shall:

1. Tag or otherwise reasonably identify the item;
2. Hold it in a place on the business premises of the used goods dealer to which police officers shall have access at any time during the used goods dealer's regular business hours;
3. Keep the item safe from alteration, loss, damage, or commingling with other goods.

D. No used goods dealer shall dispose of any item subject to a police hold in any manner for one hundred twenty (120) days; provided, that items subject to a police hold shall be surrendered to the Chief of Police upon request, or in compliance with a subpoena signed by the prosecutor, or in compliance with an order of a court of competent jurisdiction; or as directed in a written release signed by the Chief of Police.

E. The used goods dealer shall give a twenty (20) day written notice before the expiration of the one-hundred-twenty (120) day holding period to the Chief of Police about the stolen property. If notice is not given within twenty (20) days, then the hold on the property shall continue for an additional one hundred twenty (120) days. The Chief of Police may renew the holding period for additional one-hundred-twenty (120) day periods as necessary. After receipt of notification from a used goods dealer, if an additional holding period is required, the Chief of Police shall give the used goods dealer written notice, prior to the expiration of the existing hold order. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen or lost.

(Ord. 115843 § 7, 1991; Ord. 109818 § 1(part), 1981.)

6.288.100 Retention of property.

A. Any property, except scrap metal, bought or received in pledge by any used goods dealer shall be retained at his/her business premises within thirty (30) days after its receipt, except when acquired from another used goods licensee, or except when redeemed by the owner;

B. Scrap metal obtained from a scrap metal hauler or other seller enumerated in Section 6.288.070 B1f(i) and (ii) shall be retained for a minimum of five (5) days, excluding Sundays, and national holidays; provided, that scrap metal purchased from another used goods licensee other than a scrap metal hauler, or a manufacturer, as defined by Section 5.44.020 of the Seattle Municipal Code, or a utility designated by Section 5.48.050 of the Seattle Municipal Code, or a government entity shall not be subject to a retention period.

(Ord. 115843 § 8, 1991; Ord. 110082 § 5, 1981; Ord. 109818 § 1(part), 1981.)

6.288.110 Inspection of records and goods.

A. To protect the public from property losses that result when stolen goods circulate in the marketplace, it is necessary to make frequent, unannounced routine inspections of the licensed premises of used goods dealers, whose businesses have historically been subject to close regulation in order to control the flow of stolen property.

B. The records required to be kept by Section 6.288.070 of this chapter, and the used goods subject to recording as provided by Section 6.288.010 of this chapter, shall be available during normal business hours, to the inspection of the Chief of Police or his/her designated representative; provided:

1. That such inspections shall be limited to the purpose of detecting stolen property moving through the public marketplace and determining compliance with this chapter; and

2. That only such records required by this chapter and goods covered by this chapter shall be inspected in the course of such frequent, unannounced routine inspections.

C. Nothing in this section shall prohibit other lawful searches or inspection.

(Ord. 109818 § 1(part), 1981.)

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6.288.120 Retention of goods—Rates of interest and other fees—Notice of rates must be posted.

A. No pawnbroker shall charge and receive interest and other fees in excess of the rates contained in RCW 19.60.060(1) for money loaned on the security of personal property actually received in pledge.

B. The fee for the preparation of documents, pledges, or reports relating to loans or pledges and required or authorized under the laws of the United States of America, the State of Washington or the counties, cities, towns, or other political subdivisions thereof, shall not exceed the amounts set out in RCW 19.60.060(2).

C. The fee for the care, maintenance, insurance relating to, preparation for storage of, and storage of personal property actually received in pledge, shall not exceed:

1. For precious jewels, jewelry, or other personal property having a value of One Hundred Dollars (\$100.00) to Two Hundred Ninety-nine Dollars and Ninety-nine Cents (\$299.99), an amount equal to one-tenth of one percent (.10%) of the value thereof as agreed upon in writing between the pledgor and the pledgee;

2. For precious jewels, jewelry, or other personal property having a value exceeding Three Hundred Dollars (\$300.00), an amount equal to one-twelfth of one percent (.0833%) of the value thereof as agreed upon in writing between the pledgor and the pledgee.

D. Fees under subsections B and C may be charged one (1) time only during the term of a loan as defined in RCW 19.60.010. No pawnbroker shall ask or receive a higher rate of interest or discount or other fees on any loan, or on any actual or pretended sales, or redemption of personal property, or sell any property held for redemption within sixty (60) days after the period for redemption has expired.

E. A copy of this section, set in twelve (12) point type or larger, shall be posted prominently in each pawnbroker's licensed premises.

F. A purchase of personal property shall not be made on the condition of selling it back at a stipulated time and price greater than the purchase price, for the purpose of avoiding the interest and fee restriction of this chapter.

(Ord. 116924 § 5, 1993; Ord. 115843 § 9, 1991; Ord. 109818 § 1(part), 1981.)

6.288.130 Firearms dealer licenses required.

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Any used goods dealer who shall engage in the purchase or sale of firearms, or in the business of lending money upon a pledge or pawn of a firearm as security for payment or repayment, shall first obtain a dealer's license pursuant to RCW 9.41.110, where applicable, and a license from the United States as a dealer.
(Ord. 116924 § 6, 1993.)

**Chapter 6.294
DANCEHALLS ADMITTING PERSONS
UNDER THE AGE OF EIGHTEEN**

Sections:

- 6.294.010 Purpose of chapter.**
- 6.294.020 Construction of chapter—Election of other remedies.**
- 6.294.030 Conflict—Applicable chapter.**
- 6.294.040 Definitions.**
- 6.294.050 Teen dance or dance hall license—Required—Exceptions**
- 6.294.055 License—Application—Requirements.**
- 6.294.060 License—Denial of application.**
- 6.294.070 License—Suspension or revocation—Grounds.**
- 6.294.075 Security personnel.**
- 6.294.080 Age restrictions—Identification requirements for public dances and teen dances—Penalty.**

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6.294.085Hours of operation.

6.294.090Readmission fee.

6.294.100Access—Peace officer—Director.

6.294.105Fees.

6.294.110Licensing—Retroactivity.

6.294.120License—Limited to licensee and location.

6.294.130License—Renewal.

6.294.140Indemnification.

6.294.150Authority of the director.

6.294.160Operating without a license—Penalty.

Severability. Should any part of this chapter be adjudged invalid for any reason, such adjudication shall not affect the validity of this chapter as a whole or any other part thereof.
(Ord. 112373 § 2, 1985.)

6.294.010Purpose of chapter.

This chapter is an exercise of police power for the protection of the public welfare, health, and safety of those children that attend and patronize dance halls. The City Council hereby finds and declares that the pervasive problems of runaway children, drug abuse and abuse of children are problems of such magnitude that they are a matter of City concern and are contributed to by unregulated dance halls; as such this chapter shall regulate dance halls concerning the admission of persons under the age of eighteen (18) years.
(Ord. 113826 § 1, 1988; Ord. 112373 § 1(part), 1985.)

6.294.020Construction of chapter—Election of other remedies.

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal or modify any of the provisions of any other law of the municipal code relating to dance halls or licensing.
(Ord. 112373 § 1(part), 1985.)

6.294.030Conflict—Applicable chapter.

This chapter is subject to the general provisions of the New License Code, Chapter 6.202. In the event of a conflict between this chapter and Chapter 6.202 the provisions of this chapter shall apply.
(Ord. 112373 § 1(part), 1985.)

6.294.040Definitions.

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

A. "Director" means the Finance Director of The City of Seattle or his or her authorized representative.

B. "Department" means the Finance Department of The City of Seattle.

C. "Knowingly" shall have the definition set forth in SMC Section 12A.04.030 B.

D. "Person" includes any natural person and, in addition, a corporation, partnership or an unincorporated association.

E. "Public dance" means any dance that is readily accessible to the public and which:

1. Is held and conducted for a profit, direct or indirect; or

2. Requires a monetary payment or contribution from any of the persons admitted.

F. "Teen dance" means any "public dance" as herein defined which permits the entry of persons under the age of eighteen (18) years.

G. "Teen dance hall" means any place where a teen dance is conducted, operated or maintained and includes the premises in which the teen dance is conducted, operated or maintained including but not limited to all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public during the dance.

H. "Recklessly" shall have the definition set forth in SMC Section 12A.04.030 C.

(Ord. 117169 § 117, 1994; Ord. 113826 § 2, 1988; Ord. 112373 § 1(part), 1985.)

6.294.050Teen dance or dance hall license—Required—Exceptions.

A. No person shall conduct or operate a teen dance or teen dance hall unless the person who is conducting or operating such teen dance or hall has obtained a license in accordance with the provisions of this chapter.

B. Exceptions.

1. The requirements of this chapter shall not apply if the teen dance hall is limited to one hundred fifty (150) or fewer persons.

2. The requirements of this chapter shall not apply if the teen dance is sponsored by an accredited educational institution.

3. The requirements of this chapter shall not apply if the teen dance is sponsored by a

nonprofit tax-exempt organization, corporation or association recognized by the United States of America as exempt from federal income taxation pursuant to § 501(c)(1) or (3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501 as now existing or hereafter amended.

4. If the teen dance hall is managed or operated by The City of Seattle the requirements of this chapter may be waived by the Director by rule adopted pursuant to the Administrative Code¹ upon written application by the Superintendent of Parks and Recreation or the Seattle Center Director.

(Ord. 113826 § 3, 1988; Ord. 112439 § 1, 1985; Ord. 112373 § 1(part), 1985.)

1.Editor's Note: The Administrative Code is codified at Chapter 3.02 of this Code.

6.294.055 License—Application—Requirements.

The person desiring to conduct and/or operate a teen dance shall be responsible for obtaining a teen dance hall license. Each applicant shall

complete an application which shall include the following information:

- A. 1. The name and address of the applicant;
- 2. The names and addresses of the operator, manager and employees of the dance hall;
- 3. The name and address of the owner of the premises upon which the dance hall is located;
- 4. An oath or affirmation that the information listed is true under penalty of perjury;
- B. If the answers to subsections A1 to A3 of this section involve an unincorporated association, corporation or partnership, the name of the unincorporated association, corporation or partnership, and the names and addresses of the limited partners, partners, officers and directors thereof;
- C. A statement of any and all measures to be used to insure that adequate traffic control and crowd protection, both within and without the premises, will be maintained;
- D. Proof of indemnification required by Section 6.294.140;
- E. A statement from the applicant that the premises are in compliance with all City laws including, but not limited to, Building, Zoning, Planning and Fire Codes;¹ and a statement that the applicant will, in the conduct and operation of the dance hall, comply with all City laws, including, but not limited to, the Noise Control Ordinance;²
- F. Such other information as the Director requires by rule adopted pursuant to the Administrative Code for the health, safety and welfare of persons attending dance hall functions. (Ord. 113826 § 4, 1988; Ord. 112373 § 1(part), 1985.)

1.Editor's Note: The Building and Fire Codes are codified in Title 22 of this Code; the Land Use and Zoning Codes are codified in Titles 23 and 24 of this Code, respectively.

2.Editor's Note: The Noise Control Ordinance is codified in Chapter 25.08 of this Code.

6.294.060License—Denial of application.

The Director shall deny a license if:

- A. The applicant has failed to comply with all state, county and City laws which shall include, but is not limited to, Building, Zoning, Planning and Fire Codes;¹
- B. The applicant or any of the applicant's officers, directors, partners, operators, employees or any other person involved in the operation of the dance hall have:
 - 1. Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license or permit,

2. Been convicted within the last five (5) years of:

- a. A felony involving a crime of violence as defined in RCW 9A.1010 or any felony under RCW 9A.44, 9A.64, 69.50 or 9A.88,
- b. Contributing to the dependency or delinquency of a minor, or
- c. A crime involving prostitution, lewd conduct, or assault on a juvenile; or
- C. The applicant has been refused a license or had a license revoked under the provisions of this chapter; provided, however, that any applicant denied a license may reapply if the basis for such denial no longer exists. (Ord. 113826 § 5, 1988; Ord. 112373 § 1(part), 1985.)

1.Editor's Note: The Building and Fire Codes are codified in Title 22 of this Code; the Land Use and Zoning Codes are codified in Titles 23 and 24 of this Code, respectively.

6.294.070License—Suspension or revocation—Grounds.

A license issued pursuant to this chapter may be suspended or revoked upon a finding that any one (1) or more of the following conditions exist:

- A. The license was procured by fraud or false representation or omission of material fact in the license application;
- B. The applicant or licensee, or any officer, director, or agent thereof knowingly has made any false statement or given any false information in connection with an application for a license or a renewal of a license;
- C. The licensee or any employee, agent, partner, director, officer or manager thereof has knowingly allowed or permitted:
 - 1. A felony involving a crime of violence as defined in RCW 9A.1010 or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 69.50 to occur in or upon the dance hall premises;
 - 2. A crime involving prostitution, lewd conduct, or assault on a juvenile to occur in or upon the dance hall premises;
 - 3. Any act of or solicitation for sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the dance hall premises; or
 - 4. The possession of any weapon, or the possession or consumption of alcohol and/or

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marijuana, cocaine, or any other controlled substance (as defined in RCW 69.50.101 (d) as now exists or as hereinafter amended) in or upon the dance hall premises; or has knowingly failed to remove from such premises any person who appears to be under the influence of or affected by the use of alcohol or any controlled substance or whose conduct poses a physical danger to the safety of others present;

D. The licensee or any employee, agent, partner, director, officer or manager thereof violated any of the provisions of this chapter or committed any act which is a ground for denial of a license issued pursuant to this chapter; or

E. The building, structure, equipment or location of the business or dance for which the license was issued does not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, or fire and safety laws of the State of Washington and The City of Seattle, or the requirements of this chapter.

(Ord. 113826 § 6, 1988; Ord. 112373 § 1(part), 1985.)

6.294.075 Security personnel.

A. It shall be the obligation of every person licensed under this chapter to ensure that an adequate number of qualified security personnel are employed and in attendance upon teen dance hall premises during and following each teen dance as is necessary to maintain order and ensure compliance with the laws of the State of Washington and ordinances of The City of Seattle. An “adequate number of security personnel” shall include at least two (2) persons trained as law enforcement personnel, which may include off-duty Seattle police officers. At no time shall fewer than twenty-five percent (25%) of the security personnel in attendance at a teen dance have training as law enforcement personnel. Those security personnel not having law enforcement training must have received formal training in crowd control by an agency not associated with the licensee.

B. It shall be the further obligation of every person licensed under this chapter to employ during and following each teen dance at least one (1) off-duty Seattle police officer to patrol the sidewalks and public areas abutting the teen dance hall.

(Ord. 113826 § 11(part), 1988.)

6.294.080 Age restrictions—Identification requirements for public dances and teen dances—Penalty.

A. No person conducting or operating a teen dance or teen dance hall shall permit, either by act or omission, any person under the age of fifteen (15) years to enter or remain on the premises without a parent or legal guardian present.

B. No person conducting or operating a teen dance or teen dance hall shall permit, either by act or omission, any person over the age of twenty (20) years to enter or remain upon the premises, except a parent or legal guardian accompanying a person under the age of eighteen (18) years, and except bona fide employees of the person conducting or operating such teen dance or teen dance hall.

C. The person conducting and/or operating a public dance or teen dance shall require identification showing the age of each person admitted or seeking to be admitted.

D. Any person who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any teen dance in violation of this chapter shall be guilty of a misdemeanor.

E. Any person who knowingly or recklessly shall permit a person to enter or remain in any teen dance in violation of this chapter shall be guilty of a misdemeanor.

(Ord. 113826 § 7, 1988; Ord. 112373 § 1(part), 1985.)

6.294.085 Hours of operation.

No teen dance or teen dance hall shall be conducted, operated, or otherwise open to the public between the hours of two a.m. (2:00 a.m.) and eight a.m. (8:00 a.m.); and the exclusion or attempted exclusion during those six (6) hours of persons under eighteen (18) years of age shall not relieve any person operating, maintaining or conducting such a dance or dance hall from this prohibition.

(Ord. 113826 § 11(part), 1988.)

6.294.090 Readmission fee.

No person conducting or operating a teen dance or teen dance hall shall permit any person, other than an employee, to leave the dance or dance hall and return unless that person pays a readmission fee equal to, or greater than, one-half ($1/2$) the original price of admission.

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(Ord. 113826 § 8, 1988; Ord. 112373 § 1(part), 1985.)

6.294.100 Access—Peace officer—Director.

All peace officers of The City of Seattle and/or the Director shall have free access to public dances and dance halls when a dance is being conducted for the purpose of inspection and to enforce compliance with the provisions of this chapter.

(Ord. 112373 § 1(part), 1985.)

6.294.105 Fees.

The fee for a teen dance hall license shall be One Hundred Twenty Dollars (\$120.00).

(Ord. 113826 § 9, 1988; Ord. 112373 § 1(part), 1985.)

6.294.110 Licensing—Retroactivity.

All licenses issued prior to the effective date of the ordinance codified herein¹ shall entitle the holder of such license a period of thirty-five (35) days, following said effective date of said ordinance, to comply with the provisions of this chapter.

(Ord. 112373 § 1(part), 1985.)

1. Editor's Note: Ordinance 112373 was passed by the City Council on July 29, 1985.

6.294.120 License—Limited to licensee and location.

Any license issued under the provisions of this chapter shall apply to a single licensee and to a single location only and shall not be transferable to other locations or to other persons.

(Ord. 112373 § 1(part), 1985.)

6.294.130 License—Renewal.

Each license issued by the Director shall be valid for a period of one (1) year.

(Ord. 112373 § 1(part), 1985.)

6.294.140 Indemnification.

A. The licensee shall indemnify and hold the City harmless from any and all losses, claims, actions, or damages suffered by any person or persons by reason of or resulting from any negligence of the licensee or its agents, employees, or patrons or on account of any act or omission of the licensee in its exercise of its license or use or occupancy of the premises. In the event any suit or action is brought against the City, the licensee

shall, upon notice of the commencement thereof, defend the same, at no cost and expense to the City, and promptly satisfy any final judgment adverse to the City or to the City and the licensee jointly; provided, that in the event the City determines that one (1) or more principles of governmental or public law are involved, the City retains the right to participate in such action. The above liability shall not be diminished by the fact, if it be a fact, that any such death, injury, damage, loss, cost, or expense may have been, or may be alleged to have been, contributed to by the negligence of the City or its officers, employees, or agents; provided, however, that nothing contained in this section shall be construed as requiring the licensee to indemnify the City against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its officers, employees, or agents.

B. As a condition precedent to obtaining a license, the licensee shall, at no expense to the City, secure and maintain during the full term of this agreement, general comprehensive liability insurance issued by one (1) or more companies authorized to do business in the State of Washington, which insurance shall be subject to the approval of the City Attorney as to company, form, coverage, and which insurance must fully protect the City from any and all claims and risks in connection with any activity performed by the licensee by virtue of this agreement and provide the following minimum coverage:

- a. One Million Dollars (\$1,000,000.00) per person, per occurrence;
- b. One Million Dollars (\$1,000,000.00) annual aggregate.

Said policy must specifically name The City of Seattle as an additional insured party thereunder in the following manner:

The City of Seattle is an additional insured for all coverages provided by this policy of insurance and shall be fully and completely protected by this policy and for any claim, suit, injury, death, damage or loss of any sort sustained by a person, organization or corporation in connection with any activity upon or use or occupancy of establishments regulated by this section.

The coverages provided by this policy to the City or any other named insured shall not be

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terminated, reduced, or otherwise changed in any respect without providing at least thirty (30) days prior written notice to the Finance Director of the City of Seattle.

C. The licensee shall deliver to the Finance Director of The City of Seattle a copy of all policies required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction of the Finance Director that the licensee has secured or renewed and is maintaining insurance as required by this section.

The "ACORD" form of Certification of Insurance shall not be submitted as such evidence, and shall not be deemed to be satisfactory evidence unless the following changes are made on such form:

The wording on the top of the form:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

shall be deleted in its entirety.

The wording at the bottom of the form:

Should any of the above described policies be canceled before the expiration date thereof, the issuing company will endeavor to mail thirty (30) days' written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation of any kind upon the company.

shall be changed to read:

Should any of the above described policies be canceled, reduced as to coverage, or otherwise changed before the expiration date thereof, the issuing company shall provide written notice of such action to the Finance Director of The City of Seattle.

D. The procuring of the insurance required by this section shall not be construed to limit licensee's liability hereunder.

E. Licensee shall provide for the prompt and efficient handling of all claims for injury, death, damage or loss arising out of the acts or omissions of licensee during the term of this section. Licensee agrees that all such claims, whether

processed by licensee or its insurer, either directly or by means of an agent, will be handled by a person with a permanent office within the corporate limits of Seattle.

(Ord. 117169 § 119, 1994; Ord. 112373 § 1(part), 1985.)

6.294.150 Authority of the director.

A. The Director is authorized to:

1. Make rules for the interpretation and implementation of this chapter pursuant to the Administrative Code;¹

2. Grant, renew, deny, suspend or revoke licenses according to the terms of this chapter;

3. Collect fees for the application or transfer process according to the terms of these chapters.

(Ord. 112373 § 1(part), 1985.)

1. Editor's Note: The Administrative Code is codified at Chapter 3.02 of this Code.

6.294.160 Operating without a license—Penalty.

Any person who shall conduct or operate a teen dance or teen dance hall without a valid license issued pursuant to this chapter shall be guilty of a misdemeanor.

(Ord. 113826 § 10, 1988; Ord. 112373 § 1(part), 1985.)

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**Cross-reference Table
for the
New Seattle License Code
(Ord. 108934)**

This table provides the Code user with the disposition of the sections of the New Seattle License Code, Ordinance 108934, as amended. For example, Section 1.010 of Ordinance 108934 appears in this volume as Section 6.202.030.

The designation "Rx" used in this table means "repealed by."

**§ of
108934**

Herein

1	6.202.010	1.140.....	6.202.370
1.000	6.202.020	1.150.....	6.202.380
1.010	6.202.030	1.152.....	6.202.390
1.012	6.202.040	1.154.....	6.202.400
1.015	6.202.050	1.156.....	6.202.410
1.020	6.202.060	1.158.....	6.202.420
1.030	6.202.070	1.160.....	6.202.430
1.040	6.202.080	1.162.....	6.202.440
1.050	6.202.090	1.154.....	6.202.450
1.060	6.202.100	1.170.....	6.202.460
1.062	6.202.110	1.180.....	6.202.470
1.064	6.202.120	1.200.....	6.202.480
1.066	6.202.130	1.220.....	6.202.490
1.068	6.202.140	1.300.....	Severability footnote
1.070	6.202.150	1.400.....	6.202.500
1.072	6.202.160	4.020.....	6.208.010
1.074	6.202.170	4.024.....	6.200.020
1.076	6.202.180	4.030.....	6.200.030
1.078	6.202.190	4.140.....	6.200.040
1.080	6.202.200	4.200.....	6.200.050
1.082	6.202.210	4.210.....	6.200.060
1.084	6.202.220	4.220.....	6.200.070
1.090	6.202.230	4.240.....	6.200.080
1.092	6.202.240	5.020.....	Rx 111441
1.094	6.202.250	5.024.....	Rx 111441
1.096	6.202.260	5.030.....	Rx 111441
1.100	6.202.270	5.035.....	Rx 111441
1.102	6.202.280	5.072.....	Rx 111441
1.104	6.202.290	5.140.....	Rx 111441
1.106	6.202.300	5.170.....	Rx 111441
1.108	6.202.310	5.200.....	Rx 111441
1.110	6.202.320	5.210.....	Rx 111441
1.112	6.202.330	5.220.....	Rx 111441
1.114	6.202.340	5.230.....	Rx 111441
1.120	6.202.350	6.020.....	6.212.010
1.130	6.202.360	6.024.....	6.212.020
		6.030.....	6.212.030
		6.068.....	6.212.040
		6.072.....	6.212.050
		6.130.....	6.212.060
		6.150.....	6.212.070
		6.170.....	6.212.080
		6.212.....	6.212.090
		6.210.....	6.212.100
		6.220.....	6.212.110
		6.230.....	6.212.120
		6.240.....	6.212.130
		6.245.....	6.212.140
		6.250.....	6.212.150
		6.300.....	6.212.160
		6.310.....	6.212.170
		6.400.....	6.212.180

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6.294.140

BUSINESS REGULATIONS

Seattle Municipal Code

August, 1996 code update file

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(Seattle 6-88)

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6-96.2

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7.020.....	6.214.010
7.024.....	6.214.020
7.030.....	6.214.030
7.035.....	6.214.040
7.100.....	6.214.050
7.140.....	6.214.060
7.170.....	6.214.070
7.180.....	6.214.080
7.210.....	6.214.090
7.215.....	6.214.100
7.220.....	6.214.110
7.225.....	6.214.120
7.230.....	6.214.130
7.231.....	6.214.140
7.235.....	6.214.150
7.250.....	6.214.160
7.260.....	6.214.170
7.270.....	6.214.180
11.020.....	6.222.010
11.024.....	6.222.020
11.030.....	6.222.030
11.140.....	6.222.040

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6.294.140 BUSINESS REGULATIONS

11.150.....	6.222.050
11.200.....	6.222.060
30.020.....	6.260.010
30.022.....	6.260.020
30.024.....	6.260.030
30.030.....	6.260.040
30.140.....	6.260.050
30.150.....	6.260.060
30.200.....	6.260.070
30.210.....	6.260.080
30.215.....	6.260.090
30.220.....	6.260.100
30.230.....	6.260.110
30.310.....	6.260.120
40.020.....	6.280.010
40.025.....	6.280.020
40.030.....	6.280.030
40.040.....	6.280.040
40.045.....	6.280.050
40.050.....	6.280.060
40.060.....	6.280.070
40.070.....	6.280.080
40.080.....	6.280.090

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