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B. Nothing shall prohibit the Director's revoking or suspending a license that was erroneously issued by the Department.
(Ord. 108934 § 1.060, 1980.)

6.202.110License—Objection or protest to issuance.

Whenever a written objection or protest to the issuance of a new or renewal license has been received from any person and the license has been issued after consideration of the objection or protest, the Director shall notify any known complainant within ten (10) days after the license is issued, of the reasons for issuance over his/her objection.
(Ord. 108934 § 1.062, 1980.)

6.202.120License—Nontransferable—Exception.

A license is not transferable; provided, that the Director may authorize transfer where no previously unlicensed person acquires a license thereby, and if, in the judgment of the Director, transferral is consistent with the purposes of the new license code.
(Ord. 108934 § 1.064, 1980.)

6.202.130License—Application—Completion.

An application is complete when:

A. All information required by the application and by the provisions of the new license code have been received by the Director; and

B. All license and other required fees have been paid; and

C. Any surety bond, public liability insurance policy, or other deposit or document, whenever required by the provisions of the new license code, has been filed with the Director.
(Ord. 108934 § 1.066, 1980.)

6.202.140License—Application—Form.

Application for any license shall be made in writing to the Director. Application shall be made in the name of the person required to be licensed by the provisions of the new license code. Application for any license shall be signed by the applicant or the applicant's personal representative.
(Ord. 108934 § 1.068, 1980.)

6.202.150License—Application—Investigation.

The Director may investigate the application. The Director shall request record checks, site inspections or confirmation of zoning compliance to be performed by appropriate City agencies when they are required by the new license code. If criminal conviction data is required, the Director may require that the applicant be fingerprinted for purposes of verifying identification. The agency to which such request has been directed shall ascertain whether the applicant, activity, and/or premises comply with the requirements of laws, rules, and regulations of laws, rules and regulations enforced by the agency. The agencies shall notify the Director in writing whether any violation is found, specifying any noncompliance. In the event a written reply is not received by the Director within thirty (30) days from the date of the original request for the check or inspection, the Director may issue the license if the applicant is deemed qualified to hold the license in all other respects.
(Ord. 108934 § 1.070, 1980.)

6.202.160License—Indicia property of City—Return.

A. All licenses, or indicia of licensure, issued pursuant to the new license code remain the property of the City.

B. The licensee shall remove all licenses, or indicia of licensure, upon expiration, suspension or revocation of a license. Whenever a license is suspended or revoked, the licensee shall return all licenses, and indicia of licensure, to the Director. If they are not returned, they may be removed.
(Ord. 108934 § 1.072, 1980.)

6.202.170License—Required for each location.

A. A separate license shall be obtained for each location at which a licensed activity is conducted, and each license shall be valid only at the location stated on the license.

B. All licenses shall be posted in a conspicuous place and manner at the location stated on the license; provided, that if the licensee does not have an established place of business in the City, the license shall be carried on the person of the licensee while engaged in the activity for which the license is required. At all times while the

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licensee is engaged in the business or activity for which the license is required, each license, or indicia of licensure, shall be properly placed as specified in the provisions of the new license code.

C. Any failure to comply with provisions of this section is a violation of the new license code.
(Ord. 108934 § 1.074, 1980.)

6.202.180Change of location.

A. Reinspection is required for every change of location, if a building, fire, health, or license site inspection of premises was required by the new license code at the original location. An inspection fee shall be imposed for each inspection visit to the new site.

B. Whenever a licensee changes the location of any activity for which a license is required, the Director shall reissue the license upon finding that:

1. The licensee has submitted the license to the Director for the change, and any change of location and inspection fees imposed by the new license code have been paid; and

2. The new location is in compliance with all provisions of the new license code relating to the premises and with applicable zoning, building, fire, and health ordinances, and laws, rules and regulations promulgated thereunder.
(Ord. 108934 § 1.076, 1980.)

6.202.190License—Term.

A. A license shall be issued only for a period specified by ordinance for that particular license.

B. Licenses shall be effective only through the dates specified on the face of each license.
(Ord. 108934 § 1.078, 1980.)

6.202.200License fee—Proration.

A. If an application is made for a new license to be effective during the last six (6) months of an annual license period, the license fee shall be one-half (½) of the annual license fee or the full change of location fee for that license, whichever is greater.

B. There shall be no proration of a license fee when the usual term of a license period of less than one (1) year is prescribed by the new license code.
(Ord. 108934 § 1.080, 1980.)

6.202.210License fee—Refund.

A license fee is refundable only if a license is denied, or if the license is issued where none is required, or the licensee never engages in licensed activity due to the refusal of any governmental agency to issue a necessary license, or if the applicant for a license withdraws his/her application before the license is issued.
(Ord. 108934 § 1.082, 1980.)

6.202.220License fee—Payment by bad check.

Whenever payment of any fee imposed by the new license code is made by a check which is not honored by the drawee bank, any license issued pursuant to payment by that check is void from the date of license issuance. The license may be reissued upon payment of the original amount, plus an administrative charge provided by the License Fee Ordinance[1], all by certified check, money order, or cash.
(Ord. 108934 § 1.084, 1980.)

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

6.202.230License—Denial, suspension or revocation—Grounds.

A license may be suspended, denied or revoked for violation of any ordinance or law which regulates licensed activity in order to further the public interest in public health, safety, and welfare. A license may also be denied, suspended, or revoked upon a finding that:

A. Any applicant or licensee, or any owner, officer or agent thereof has omitted to disclose any material fact necessary to make a statement not misleading, in any application for the license; or

B. Has charges pending against her/him or has been convicted of a crime or offense which directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than ten (10) years; or has been convicted of several crimes including at least one (1) within the last ten (10) years; or

C. Has been subject to an adverse finding in any judgment or order which directly relates to the activity for which the license is required, in any judicial or administrative proceeding in

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which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the licensee-applicant is proven, and the time elapsed since the judgment or order is less than ten (10) years; or

D. Has violated or failed to comply with any applicable provisions of this Code or rule or regulation prescribed under this subtitle; provided, that failure to obtain a license shall not be grounds for license denial; or

E. Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a City ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and which is applicable to the licensed activity or licensed premises; or

F. Has been determined to have discriminated against any person because of race, color, age, sex, marital status, sexual orientation, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap, in the course of licensed activity, in violation of a City ordinance, law, rule or regulation prescribed thereunder; or

G. Has violated or failed to comply with any final order of the Director or Hearing Examiner; or

H. Has failed to complete the application for a license as required by this Code; or

I. Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or

J. Has failed to comply with RCW Chapters 49.12 and 28A.28, and rules and regulations promulgated pursuant thereto, regarding employment of minors; or

K. Any licensee has permitted or authorized his/her agent to violate or fail to comply with any provision of this Code.

(Ord. 117586 § 3, 1995; Ord. 109651 § 1, 1981: Ord. 108934 § 1.090, 1980.)

6.202.240License—Summary suspension or revocation.

A. Notwithstanding any other provision of the new license code, a license may be suspended or revoked by order of the Director prior to hearing upon finding that:

1. There is reasonable cause to believe that grounds for license suspension or revocation exist and that continuation of the activity for which the license is required will cause a clear, substantial and imminent hazard to life, safety, property or privacy; or

2. Any surety bond or public liability insurance policy required by the new license code to be filed with the Director is impaired, fails or is cancelled.

B. Whenever any license is summarily suspended or revoked a hearing by the Hearing Examiner may be requested by the licensee within ten (10) days after the date of suspension or revocation. Such hearing shall be held within ten (10) days of request, unless a later date is agreed to by the licensee, with a minimum five (5) day notice to the licensee. The decision of the Hearing Examiner shall be issued within ten (10) days of the date of the hearing.

C. If a timely request for hearing is not filed by the applicant, the order for summary suspension or revocation by the Director shall be final; provided, that the Director may waive the ten (10) day requirement upon satisfaction that failure to receive notice of the order was beyond the control of the licensee.

(Ord. 108934 § 1.092, 1980.)

6.202.250License—Waiver of disqualifications.

A. The Director may waive up to the full period of license disability based upon a criminal conviction or adverse civil ruling if there is evidence of rehabilitation, and the purposes of the new license code could otherwise be satisfied.

B. Issuance of a license following a waiver disability does not preclude the Director from subsequently reconsidering the conviction, judgment, or finding as grounds for license denial or revocation when additional evidence regarding the person's qualifications is presented within the period of disability.

(Ord. 108934 § 1.094, 1980.)

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6.202.260License—Denial, suspension or revocation—Order.

License suspension, revocation or denial shall be in writing in the form of an order and shall include a recital of the authority for the action, a brief and concise statement of facts which constitute the grounds for denial, suspension or revocation, and the Director's signature. A copy of the order, including notice of the right to a hearing shall be transmitted to the applicant.
(Ord. 108934 § 1.096, 1980.)

6.202.270License—Denial, suspension or revocation—Appeal.

A. If the Director has ordered a license denied, suspended or revoked, the applicant may contest the denial by filing a notice of appeal and request for hearing with the Hearing Examiner within ten (10) days after service or mailing of the order.

B. If a timely request for hearing is filed by the applicant, hearing shall be scheduled before the Hearing Examiner and shall be conducted by the Hearing Examiner according to his/her rules for contested cases.

C. If a timely appeal is not filed by the applicant, the order of the Director denying, suspending or revoking the license shall be final; provided, that the Director may waive the ten (10) day requirement upon satisfaction that failure to receive notice of the order was beyond the control of the person requesting the hearing.
(Ord. 108934 § 1.100, 1980.)

6.202.280Continuation of business while complaint hearing decision pending.

A. Except in the case of summary suspension or revocation, whenever a timely request for hearing on a complaint is filed, a licensee or an applicant for license renewal may engage in the activity for which the license is required, pending decision by the Hearing Examiner. An applicant not licensed in the preceding license year may not engage in the activity for which the license is required pending decision by the Hearing Examiner.

B. If the Department denies an adult entertainment license governed by SMC Chapter 6.270, and if the license applicant files a notice of appeal with the Hearing Examiner, the Director shall immediately issue the license applicant a temporary license. The temporary license shall authorize the license applicant to operate an adult entertainment establishment or perform as a manager or entertainer, in the same manner as if the license had been granted, pending the Hearing Examiner's decision.

1. If the Hearing Examiner affirms the Director's license denial, the temporary license shall remain in effect pending a motion for reconsideration before the Hearing Examiner and, in addition (a) if the license applicant does not timely file for judicial review, then only until the expiration of the time allowed to file an application for a writ of review under Chapter 7.16 RCW; or (b) if the license applicant does timely file an application for a writ of review, then only until the court either issues a writ or denies the writ application.

2. If the Hearing Examiner dismisses the adult entertainment license denial with prejudice, the Department shall immediately issue an adult entertainment license.

3. If the Hearing Examiner dismisses the adult entertainment denial without prejudice, the temporary license shall remain in effect for five (5) additional business days, at the end of which time the Department must either reissue a denial or issue an adult entertainment license. If the Director reissues the denial, then the temporary license will continue in effect according to the procedures set forth in subsection B of this section.

4. Notwithstanding SMC Section 6.202.210, if a license applicant is issued a temporary license, the license applicant shall pay the fee charged for an adult entertainment license under SMC Section 6.270.060 at the time the applicant receives the temporary license. If the temporary license issued under this subsection is still in effect at the end of a calendar year, then the license applicant must pay the fee charged for an adult entertainment license under SMC Section 6.270.060 for the next calendar year.
(Ord. 117586 § 2, 1995: Ord. 108934 § 1.102, 1980.)

6.202.290Hearing of claim on bond.

A. In case of a claim by any person against a licensee's bond, if the Director does not commence a license suspension or revocation proceeding based on his/her claim, the claimant may pursue his/her claim to recovery before the Hearing Examiner, by filing a claim with the Director.

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The Director shall transmit the complaint on behalf of the claimant to the Hearing Examiner. The hearing shall be limited to the right to recovery against the licensee's bond.

B. The Hearing Examiner shall schedule a date for hearing, give notice to the claimant, the licensee, and the Department, and conduct the hearing according to Hearing Examiner rules for contested cases.

(Ord. 108934 § 1.104, 1980.)

6.202.300 Hearing Examiner—Decision authority.

The Hearing Examiner may affirm or deny decisions of the Director to issue, deny, suspend, revoke, or condition issuance or continuance of a license.

(Ord. 108934 § 1.106, 1980.)

6.202.310 Hearing Examiner—Decision final—Mandatory stay pending review.

The decision of the Hearing Examiner shall be final when the decision has been mailed to the last known address of each party. The Director may stay enforcement of a decision of the Hearing Examiner pending motion for reconsideration or pending judicial consideration of a stay, where the Director determines that no clear, substantial, and imminent hazard to the health, safety, welfare, privacy or property of any person would result. In the case of adult entertainment licenses governed by SMC Chapter 6.270, the Director shall stay enforcement of a decision of the Hearing Examiner affirming suspension or revocation of a license pending a motion for reconsideration before the Hearing Examiner and shall stay enforcement of such decision (A) if no application for judicial review is timely filed, then only until the expiration of time allowed to file such application under RCW Chapter 7.16; or (B) if an application for judicial review is timely filed, then only until a writ is issued or the application for writ has been denied.

(Ord. 117586 § 1, 1995: Ord. 108934 § 1.108, 1980.)

6.202.320 Violation or failure to comply with the order of the Director or Hearing Examiner.

If any applicant or licensee violates, refuses, or otherwise fails to comply with the provisions of any final order issued by the Director or Hearing Examiner, the Director may transmit the case and the entire record of the proceedings to the City Attorney, who may invoke the aid of the appropriate court to secure enforcement and compliance with the order.

(Ord. 108934 § 1.110, 1980.)

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6.202.330License—Denial, suspension or revocation—Effect.

A. Whenever a license is denied, no reapplication for that license will be considered by the Director until correction of the disability on which the denial was based.

B. Whenever a license is revoked, no new application for the license that has been revoked will be considered by the Director for a period of one (1) year, commencing on the date the order to revoke becomes final.

C. The period of suspension shall be a period as stated in the order to suspend, and may be for any period up to one (1) year commencing on the date the order to suspend becomes final.

D. When revoked, a license shall be cancelled. When suspended, the license shall be retained by the Director until such time as the terms of the suspension have been fulfilled. On that date, the Director shall return the license and all indicia of licensure previously surrendered, to the licensee. In the event the license period expires during a period of suspension, any application received by the Director within thirty (30) days after the suspension shall be considered as a renewal application. If the application is received more than thirty (30) days after the suspension, it shall be treated as a new application.

(Ord. 108934 § 1.112, 1980.)

6.202.340Consent agreement.

A. The Director may enter into a consent agreement with the applicant or licensee for settlement of a contested case at any time prior to issuance of a decision by the Hearing Examiner. The consent agreement shall be in writing and signed by the applicant or licensee.

B. The agreement shall be final when signed by the Director.

(Ord. 108934 § 1.114, 1980.)

6.202.350Citation and arrest power.

For purposes of new license code enforcement, Department employees may be commissioned by the Chief of Police as special police officers having the power to issue citations or make arrests for unlawful conduct, violation, and failure to comply with provisions of the new license code.

(Ord. 108934 § 1.120, 1980.)

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6.202.360Administrative inspection.

A. The Director or Chief of Police may conduct inspections pursuant to warrant issued by a magistrate.

B. Further, pursuant to the consent of the rightful occupier of premises, or of the custodian of a vehicle or personal property, and during reasonable business hours, for the purpose of determining compliance with the new license code, the Director or Chief of Police is authorized to:

1. Enter and inspect the premises;

2. Inspect books, records, reports or other data that a licensee is required to compile and maintain, to verify their authenticity and accuracy, and to make copies of them;

3. Inspect books, records, reports or other data that relate to a licensee's business organization, and to verify their authenticity and accuracy, and to make copies of them;

4. Inspect any motor vehicle for which a license, license plate, or license tag is required by the new license code;

5. Inspect objects or goods that are subject to regulation under the new license code, at the place where goods or objects are kept;

6. Inspect other items or objects whenever the Director has reason to believe that such things are relevant to an investigation authorized by the new license code.

C. The Director or Chief of Police is authorized to inspect without consent and without warrant where there is reasonable cause to believe that a clear and substantial risk to health, safety, welfare, or property of any person exists, or that destruction or removal of evidence of a violation of the new license code is likely to result, if an inspection is not made before a warrant can be issued.

D. Frequent, unannounced, routine inspections that are necessary to prevent a risk to the public health, safety and welfare may also be authorized by specific regulatory provisions identifying the subject of such inspection, the risk addressed by such regulation, and inspection personnel.

(Ord. 108934 § 1.130, 1980.)

6.202.370Unlawful acts.

A. It is unlawful for any person to engage in any activity for which a license is required without first obtaining a license in accordance with the provisions of this Code;

B. It is unlawful for any person to employ an individual in the capacity of an agent if that agent has failed to obtain any license required by this Code;

C. It is unlawful for any licensee or agent thereof to authorize any unlicensed person to engage in activity for which a license is required, under color of a license issued to the licensee;

D. It is unlawful for any person to make or manufacture any license, license plate, badge, or tag required by this Code except upon order of the Director;

E. It is unlawful for any person other than the Director, a licensee, or agent thereof to possess any license, identification card, license plate, badge, or tag issued pursuant to this Code;

F. It is unlawful for any person to knowingly make, or cause or authorize to be made, any false entry, or misstatement of any material matter in any book, record, or writing required to be kept as provided in this Code.

(Ord. 109841 § 1, 1981: Ord. 108934 § 1.140, 1980.)

6.202.380Bond—Requirements.

Whenever the issuance of a license by the City is conditioned upon the furnishing of a bond, the applicant shall furnish to the Director for filing with the City Clerk a bond running to the City. Alternatively, in lieu of a bond, the applicant may file a cash deposit equal in value to the face amount of a required bond, and pay the costs of handling such deposit, as determined by the Director. Any action that would breach the condition on a bond shall be grounds for forfeiture of the deposit to the same extent as if recovery were on a bond.

(Ord. 108934 § 1.150, 1980.)

6.202.390Bond—Form.

The bond shall be executed by the license applicant named thereon and by a surety company meeting the requirements of RCW Chapter 48.28, as now or hereafter amended.

A. The name in which the license is issued shall appear as principal on the face of the bond.

B. The term of the bond shall be continuous, effective from the date of issuance of the license for which the bond is required, and maintained during the term of the license, plus one (1) year after the expiration date of the license, unless a claim is made against the bond as provided in this

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chapter. In such case, liability shall continue as to that claim until the matter is settled. As to future obligations, the bond may be cancelled upon thirty (30) days' written notice to the licensee and the Director.

C. The amount of the bond shall be as required by the applicable licensing provision.

D. The form and sufficiency of the bond may be subject to approval by the City Attorney at the request of the Director.

(Ord. 108934 § 1.152, 1980.)

6.202.400Bond—Conditions.

The bond shall be conditioned on:

A. Compliance by the principal and his/her agents and employees with the applicable licensing ordinance; and

B. Performance by the principal and his/her agents of the terms of any contract and delivery of commodities and/or services in accordance with any agreement made between the principal and any person in the course of licensed activity; and

C. Honor of any guarantee or warranty, express or implied, made to any person in the course of licensed activity; and

D. Compliance with consumer protection statutes and ordinances, including, but not limited to, statutes or ordinances relating to false or misleading advertisements, unfair or deceptive acts or practices, unit pricing, labeling requirements, truth in lending and other disclosure requirements, and requirements of the Retail Installment Sales Act; and

E. Holding harmless and indemnifying the City from all claims, actions, and damages of every kind and description, other than those attributable to the sole negligence of the City, which may accrue to or be suffered by the City because of the principal's activities, including the costs and attorney's fees for defending against claims and actions, whether or not the claim or action is justified; and

F. Satisfaction of any fines, civil penalties, or orders of restitution arising out of the activities of a licensed business; and

G. Other conditions appropriate to the licensed activity as specified in the new license code.

(Ord. 108934 § 1.154, 1980.)

6.202.410Bond—Claims against.

A. Any person suffering damages or loss by reason of a breach of conditions on a bond or security may institute an action for recovery against the principal and the surety on the bond.

B. A claim may be made against the bond by:

1. Delivery to the Director of a copy of a summons and complaint by which a consumer has commenced a lawsuit against a licensee, alleging facts which, if proven, constitute breach of condition on the bond; or

2. The Director's filing a complaint for license revocation upon bases which, if proven, would be grounds for recovering on the bond; or

3. The Director's transmitting a claim to the Hearing Examiner on behalf of any person's claim against the bond if the Director does not commence a license suspension or revocation action on the basis of the person's claim. The Director shall transmit a copy of the summons and complaint, or complaint for revocation, to the surety, by deposit in the mail, or by delivery to a process-server within forty-eight (48) hours of its filing with the Department.

(Ord. 108934 § 1.156, 1980.)

6.202.420Bond—Execution.

Execution on the bond shall be commenced by either:

A. Delivery to the Director of a certified copy of a judgment against the principal made by a court of competent jurisdiction, together with the complaint therein if it be necessary to establish the underlying cause of action; or

B. Entry of an order of license revocation based upon grounds that are also grounds for recovery on the bond and lapse of the appeal period if no appeal is taken; or

C. Receipt by the Director of an order of the Hearing Examiner upholding the revocation of a license on bases which are grounds for recovery on the bond, or conditioning issuance or continuance of a license upon satisfaction of conditions which are grounds for recovery on the bond; or

D. Receipt by the Director of an order of the Hearing Examiner upholding any person's claim against the bond.

(Ord. 108934 § 1.158, 1980.)

6.202.430Bond—Time to make claim.

A. A claim shall be commenced within one (1) year of the expiration date of the license under

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which the claim arose. Execution on a bond shall be made within thirty (30) days of entry of a judgment or an order against the licensee.

B. Notice to the Director constitutes notice to the principal and the surety, for purposes of executing on the bond, and the Director shall transmit the judgment or order (and complaint and/or written decision, if appended) to the principal and to the surety within forty-eight (48) hours of its delivery to him or her.

C. After the principal and surety receive copies of the judgment or order (and complaint and/or written decision, if appended), or after reasonable efforts to inform any party who cannot be found, the surety shall be liable to the injured party for the amount of the judgment or order, or to multiple complainants in an aggregate amount equal to the amount of the bond. In the case of a cash deposit, in lieu of bond, after like notice, payment shall be made upon voucher signed by the Director.

(Ord. 108934 § 1.160, 1980.)

6.202.440Bond—Exoneration.

A. To the extent of any tender of payment the surety upon the bond shall be exonerated. If the actions commenced and pending at any one (1) time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

1. Judgments or orders for breach of contract, guarantee, warranty or violation of a consumer protection law, pro rata; then

2. Judgments or orders for failure to hold harmless or indemnify the City; then

3. Judgments or orders for other breach of condition on the bond.

B. A judgment or order shall constitute a lien on a bond until satisfied.

(Ord. 108934 § 1.162, 1980.)

6.202.450Bond—Not retroactive.

No action against a bond filed pursuant to the new license code shall be recognized for acts occurring, or causes of action accruing, or final judgments or orders entered prior to the effective date of the new license code.[1]

(Ord. 108934 § 1.164, 1980.)

1.Editor's Note: The Ordinance codified in this chapter became effective May 3, 1980.

6.202.460Liability insurance.

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

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

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

2. Shall contain the following recital:

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

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

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

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

(Ord. 117169 § 98, 1994; Ord. 116368 § 192, 1992: Ord. 114848 § 1, 1989: Ord. 108934 § 1.170, 1980.)

6.202.470Penalty for violation.

A. Conduct made unlawful by the new license code, or violation or failure to comply with any provision of the new license code, rule or regulation, or final order of the Director or Hearing Examiner is a crime subject to the provisions of Chapters 12A.01 and 12A.02 of the Criminal Code,[1] unless specifically designated elsewhere in the new license code as a violation. Any person convicted of a crime is punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for a term of not more than six (6) months, or both. Any person convicted of a violation is punishable by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500.00).

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B. Each day of continued violation or noncompliance constitutes a separate offense.
(Ord. 108934 § 1.180, 1980.)

1.Editor's Note: The Criminal Code is codified in Title 12A of this Code.

6.202.480Endorsement disclaimer.

Issuance of any license pursuant to the new license code does not constitute endorsement or approval of any goods or services offered by any licensee by the City.
(Ord. 108934 § 1.200, 1980.)

6.202.490Disclaimer of City liability.

A. Issuance of any license pursuant to the new license code does not constitute the creation of a duty by the City to any person or to indemnify any person for any wrongful acts of a licensee against any person or the public, or to guarantee the quality of goods, services, or expertise of a licensee, or to otherwise shift responsibility from the licensee to the City for proper training or conduct of self or agents, even if specific regulations require standards of training or conduct.

B. Nothing contained in the new license code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a licensee or applicant for license to comply with the provisions of the new license code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the new license code on the part of the City by its officers, employees, or agents.

C. It is expressly the purpose of the new license code to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the new license code.

D. It is the specific intent of the new license code to place the obligation of complying with its requirements upon the licensee or applicant for license within its scope, and no provision of nor term used in the new license code is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of the new license code shall be discretionary and not mandatory.

E. Nothing contained in this code is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a licensee or applicant for license to comply with the provisions of the new license code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the new license code on the part of the City by its officers, employees or agents.
(Ord. 108934 § 1.220, 1980.)

6.202.500Prosecution or proceeding under former ordinance not affected.

No prosecution or administrative action pending, and no violation of or noncompliance with any prior ordinance shall be terminated by the passage of the ordinance codified in this chapter. Any conviction, finding or license denial, suspension or revocation under any prior ordinance is relevant to the new license code and may be considered in license denial, suspension and revocation actions under the new license code.
(Ord. 108934 § 1.400, 1980.)

Chapter 6.204
LICENSE FEES

Sections:

6.204.010Title—Purpose.
6.204.020Administrative fees.
6.204.030Residential sellers.
6.204.040Tow trucks.
6.204.050Taxicabs and for-hire vehicles.
6.204.070Rental agencies.
6.204.080Used goods.
6.204.120Tobacco product retailing.

6.204.010Title—Purpose.

This chapter is the "license fee ordinance" and may be cited as such. It establishes fees for licenses subject to the provisions of the new license code (Ordinance 108954),[1] but not for licenses subject to the old license code (Ordinance 48022).[2]
(Ord. 109081 § 1, 1980.)

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1.Editor's Note: The new license code is codified in Subtitle III of this title.
2.Editor's Note: The old license code is codified in Subtitle I of this title.

6.204.020Administrative fees.

Fees for administration of the new license code shall be:

Replacement of lost or destroyed license ..... $ 5.00

Failure to return licensing indicia to the City 5.00

Inspection fee, for each visit to the inspection site 20.00

Payment of license fee with dishonored check 20.00

(Ord. 116463 § 1, 1992: Ord. 109081 § 2, 1980.)

6.204.030Residential sellers.

Annual fees for residential sellers licenses shall be:

Residential seller $155.00

Residential seller having one or more employees 225.00

Residential seller's agent card 50.00

(Ord. 118395 § 10, 1996: Ord. 116463 § 2, 1992: Ord. 113185 § 1 (part), 1986: Ord. 110889 § 1(part), 1982: Ord. 109081 § 3, 1980.)

6.204.040Tow trucks.

The annual fees for tow truck licenses shall be:

Tow truck (operator) $370.00

Tow truck (vehicle) 115.00

(Ord. 118395 § 11, 1996: Ord. 116463 § 3, 1992: Ord. 113185 § 1 (part), 1986: Ord. 110889 § 1(part), 1982: Ord. 109081 § 4, 1980.)

6.204.050Taxicabs and for-hire vehicles.

A. Annual fees for taxicabs, for-hire vehicles and their drivers shall be:

Taxicab $240.00

For-hire vehicle 240.00

For-hire driver 55.00

B. Fees for the following services related to vehicles are:

Late payment surcharge for taxicab or for-hire vehicle license ..... $ 22.50

Change of vehicles of same owner $ 50.00

Transfer of ownership (September through February) 240.00

(March through August) 120.00

Replacement of taxicab indicia (SMC Section 6.212.050) 10.00

Vehicle inspection (SMC Section 6.212.060) 10.00

C. Fees for the following services related to for-hire driver licensing:

Late payment surcharge $10.00

Fingerprinting 10.00

ID photo 2.00

Replacement of license 5.00

Testing fee 20.00

Background check equal to the charge assessed by the State Patrol to the City 225.00

(Ord. 116832 § 2, 1993; Ord. 116463 § 4, 1992: Ord. 115495 § 2, 1991: Ord. 114378 § 1, 1989: Ord. 113185 § 1(part), 1986: Ord. 111904 § 2, 1984: Ord. 110889 § 1(part), 1982: Ord. 109081 § 5, 1980.)

6.204.070Rental agencies.

Annual fees for rental agency licenses shall be:

Rental housing agency $285.00

(Ord. 118395 § 12 1996: Ord. 109763 § 3, 1981: Ord. 109081 § 7, 1980.)

6.204.080Used goods.

The annual fee for a used goods license shall be:

Used goods dealer $130.00

(Ord. 118395 § 13, 1996: Ord. 116463 § 5, 1992: Ord. 113185 § 1(part), 1986: Ord. 110889 § 1(part), 1982: Ord. 110082 § 7, 1981: Ord. 109818 § 4, 1981: Ord. 109081 § 8, 1980.)

6.204.120Tobacco product retailing.

A. The annual fee for issuance of a tobacco product retailer's license shall be One Hundred Thirty-five Dollars ($135.00), per location, motor vehicle or operation.

B. The fee for reissuance of a license upon a change in a licensed tobacco product retailer's

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motor vehicle route shall be Twenty-five Dollars ($25.00).
(Ord. 116464 § 7, 1992: Ord. 115948 § 7, 1991: Ord. 115531 § 2, 1991.)

Chapter 6.214
TOWING OPERATOR AND TOW TRUCK LICENSES

Sections:

6.214.010Definitions.
6.214.020License—Expiration date.
6.214.030License—Operator—Required.
6.214.040License—Tow truck—Required.
6.214.050Incorporation of state law and Washington Administrative Code provisions.
6.214.060Unlawful acts.
6.214.070Financial responsibility.
6.214.080Failure to satisfy judgment.
6.214.090License plates.
6.214.100Marking towing service vehicles.
6.214.110Rates—Filing.
6.214.120Rates—Posting.
6.214.130Rates—Quoting orally.
6.214.140Rates—Publishing.
6.214.150Rates—Changing.
6.214.160Direct route.
6.214.170Removing vehicles from private property—Releasing such vehicles—Selling impounded vehicles.
6.214.180Receipt required—Records to be kept.

6.214.010Definitions.

For the purpose of this chapter:

A. "Impound" means removal of a vehicle to a storage facility by request of any person except the vehicle's registered owner, or authorized agent.

B. "Operator" means any person engaged in the business of offering or providing a towing service except "operator" shall not include a vehicle repossessor working exclusively on contract for the owner of the legal title to a vehicle.

C. "Towing service" means use of a vehicle by which other vehicles including, but not limited to, abandoned, disabled, inoperable, or improperly parked vehicles are towed or impounded.

D. "Tow truck" means a vehicle used to render towing service except "tow truck" shall not include a vehicle used by a vehicle repossessor working on contract for the owner of the legal title to a vehicle.

E. "Vehicle" means every device capable of being moved upon a street and in, upon, or by which any person or property is or may be transported or drawn upon a street.

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(Ord. 110373 § 1, 1982; Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.020, 1980.)

6.214.020License—Expiration date.

Towing operator licenses and tow truck licenses expire annually on August 31st.

(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.024, 1980.)

6.214.030License—Operator—Required.

It is unlawful for any person to engage in the towing service business without first obtaining a towing operator license in accordance with the provisions of the New License Code.

(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.030, 1980.)

6.214.040License—Tow truck—Required.

It is unlawful for any person to operate a tow truck without first obtaining a tow truck license in accordance with the provisions of the New License Code.

(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.035, 1980.)

6.214.050Incorporation of state law and Washington Administrative Code provisions.

Whenever state law or Washington Administrative Code provisions are incorporated by reference into this chapter, the effect is to govern all operators licensed by the City, whether or not state law or regulations by their terms govern all operators.

(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.100, 1980.)

6.214.060Unlawful acts.

It is unlawful for any operator, or his/her agent to:

A. Demand or collect for towing service in excess of the rates filed;

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B. Fail to provide a receipt with all charges itemized;

C. Fail to release a vehicle to its rightful owner if the appropriate charge to which the person is entitled has been tendered in a form acceptable under RCW Chapter 46.52 and regulations promulgated thereunder, and the person making such tender promises to remove or promptly secure removal of the towed vehicle;

D. Remove a vehicle from any location unless:

1. Requested to so remove by a police officer or appropriate governmental official acting in his/her official capacity, or

2. The vehicle's registered owner, or the owner's authorized agent, engages the operator's service, or

3. A written contractual agreement exists between the operator and the real property owner, or rightful occupier of real property, and provides for tow services to remove vehicles from the real property, or

4. The operator has a signed authorization from the rightful occupier of real property for each such vehicle removed in accordance with RCW 46.52.118, 46.52.119, and 46.52.119 (2) and with WAC 308-62-020;

E. Charge any fee or other remuneration for attempting to tow a vehicle unless:

1. The licensee has gained custody of a vehicle to be towed by hooking it to the tow truck and raising the vehicle's wheels off the ground, in which event no more than fifty percent (50%) of the impound fee, plus charges for other service actually performed may be charged, or

2. The licensee has completed the process of preparing the vehicle for towing, and the licensee has begun to operate the tow truck with the vehicle in tow, in which event the total amount of the impound fee and other allowable charges may be charged;

F. Block or otherwise interfere with the removal of a vehicle by a person properly claiming such vehicle;

G. Go to the site of a vehicle accident for purposes of soliciting or procuring towing service business unless called by the owner of a vehicle, the rightful occupier of property from which a vehicle is to be removed, or a police officer.

(Ord. 109622 § 1, 1981: Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.140, 1980.)

6.214.070Financial responsibility.

Each tow truck operator shall submit to the Director for filing by the City Clerk, a copy of public liability insurance in the minimum amount of One Hundred Thousand Dollars ($100,000.00) for any one (1) person killed or injured in any one

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(1) accident or occurrence and Three Hundred Thousand Dollars ($300,000.00) for more than one (1) person killed or injured in any one (1) accident or occurrence, and Ten Thousand Dollars ($10,000.00) of garage keeper legal liability insurance.
(Ord. 117242 § 11, 1994: Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.170, 1980.)

6.214.080Failure to satisfy judgment.
If a licensee fails to satisfy a judgment arising out of the tow truck business prior to license renewal, the license may be denied, unless a stay of denial is procured during the pendency of a court appeal.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.180, 1980.)

6.214.090License plates.
For each tow truck, the Director shall issue to an operator tow truck license plates, to be at all times prominently displayed as required by the Director.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.210, 1980.)

6.214.100Marking towing service vehicles.
Every tow truck shall be marked in compliance with WAC 308-61-110(7).
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.215, 1980.)

6.214.110Rates—Filing.
The rates for towing or storing vehicles charged by an operator shall be filed with the Director on a form as prescribed by the Director.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.220, 1980.)

6.214.120Rates—Posting.
Rates shall be posted, conspicuously, exactly as filed, at all locations of the towing business from which towed vehicles are released. The sign shall be of sufficient contrast in color to be clearly readable, and be in such form, location, and size as required by the Director.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.225, 1980.)

6.214.130Rates—Quoting orally.
Rates shall be orally quoted by the operator, or his agent to any member of the public upon request. The operator shall disclose both towing and storage fees.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.230, 1980.)

6.214.140Rates—Publishing.
A schedule of tow rates will be maintained on file by the Department and furnished to any person on request.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.231, 1980.)

6.214.150Rates—Changing.
An operator may file new rates at any time. New rates shall become effective fifteen (15) days after filing.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.235, 1980.)

6.214.160Direct route.
Any operator, or his/her agent, when engaged in towing a vehicle to a definite location, shall take the most direct route possible consistent with public safety.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.250, 1980.)

6.214.170Removing vehicles from private property—Releasing such vehicles—Selling impounded vehicles.
Any towing operator or agent removing a vehicle from private property, releasing such vehicle, or selling any abandoned vehicle shall comply with the requirements of RCW Chapter 46.52 and regulations promulgated pursuant thereto.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.260, 1980.)

6.214.180Receipt required—Records to be kept.
The operator, or his/her agent, shall prepare a receipt for all services charged for in duplicate, using sequentially numbered forms for every towing service provided within or from the City. The receipt will contain the following:
A. Name, address, telephone number, and place of business of the operator;
B. Washington State license number or fleet number of the towing service vehicle used in providing the service;

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C. Name and address of every person engaging the operator's service;

D. License number, year, make, model and color of the vehicle towed;

E. Name and address of the vehicle's registered owner, if known;

F. Date, time and place service commenced, and terminated;

G. Specific service(s) rendered;

H. Total amount to be charged for all services including storage;

I. The signature of the operator, driver, agent or employee providing the service;

J. The signature of the person to whom the towing service was provided or to whom the vehicle was released or delivered, unless refused.

The operator, or his/her agent, shall deliver a copy of the receipt to the person redeeming the vehicle from the operator's custody, and shall keep one (1) copy, filed serially in order of the receipt number. Such filed receipts shall be retained for a period of one (1) year at the operator's place of business.

(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.270, 1980.)

Chapter 6.222
RENTAL HOUSING AGENCIES

Sections:

6.222.010Definitions.
6.222.020License—Expiration date.
6.222.030License—Required.
6.222.040Unlawful acts.
6.222.050Financial responsibility.
6.222.060Records and reports.

6.222.010 Definitions.

For the purposes of this chapter:

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

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