

B. "Department" means the Executive Services Department of the City.

C. "Director" means the Executive Services 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. 118397 § 90, 1996; 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;

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- C. The date when the unit will be available;
- D. The date when the housing accommodation was last 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.**
- 6.230.040License required—Expiration.**
- 6.230.050Exemptions from license requirements.**
- 6.230.060Grades of licenses.**
- 6.230.070Issuance of licenses.**
- 6.230.080Special license.**
- 6.230.100Departmental authority.**
- 6.230.110Licenses to be posted or carried.**
- 6.230.120Notice of place of employment.**
- 6.230.130Reporting of defective boilers.**
- 6.230.140Duties of steam engineers and boiler firemen.**
- 6.230.150Duties of boiler supervisor.**
- 6.230.160Observation and inspection of boilers.**
- 6.230.170Steam License Advisory Board.**
- 6.230.180Enforcement—Filing of charges.**
- 6.230.190Posting of regulations.**

6.230.210Unlawful interference with licensee.

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.

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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 Chapter 22.901J.

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. 118398 § 25, 1996; 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.)

6.230.100 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, 195; 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. 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

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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.)

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;

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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

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)
.....

application or building permit application be accepted, for any new adult entertainment premises as defined in SMC Chapter 6.270. (Ord. 118582 § 2, 1997; 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

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.)

1. Editor's Note: Through June 30, 1998 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

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 Executive Services Department of The City of Seattle.

D. "Director" or "Finance Director" means the Director of the Executive Services 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 entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

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

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

I. "Natural person" means any individual.

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

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

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

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. 118397 § 91, 1996; 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

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“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, Seven Hundred Twenty Dollars (\$720.00) per year;

B. Adult entertainer's license, Seventy-five Dollars (\$75.00) per year;

C. Adult entertainment manager's license, Seventy-five Dollars (\$75.00) per year.

(Ord. 118395 § 14, 1996; 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;

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,

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.

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

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

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:

1. 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.

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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:

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:

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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.

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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.

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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

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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

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.)

6.288.045Metal 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 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.)

6.288.050Unlawful 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.)

6.288.060Notification 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.)

6.288.065Pawnbrokers—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

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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 endorsements 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, pawner 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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Seattle Municipal Code

August, 1997, code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

(Seattle 12-95)

**For current SMC, contact
the Office of the City Clerk**

6-90.6

Seattle Municipal Code
August, 1997, code updated
Text provided for historical reference only.

See ordinances creating amendments
sections for complete text
and tables and to compare with
this source file.

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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the Office of the City Clerk

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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.**

6.288.130 BUSINESS REGULATIONS

6.294.085 Hours of operation.

6.294.090 Readmission fee.

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6.294.105 Fees.

6.294.110 Licensing—Retroactivity.

6.294.120 License—Limited to licensee and location.

6.294.130 License—Renewal.

6.294.140 Indemnification.

6.294.150 Authority of the director.

6.294.160 Operating 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.)

6.294.010 Purpose 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.)

6.294.020 Construction 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.)

6.294.030 Conflict—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.)

6.294.040 Definitions.

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

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

B. "Department" means the Executive Services 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.

I. "Department of Finance" means the Executive Services Department of The City of Seattle.
(Ord. 118397 § 92, 1996; Ord. 117169 § 117, 1994; Ord. 113826 § 2, 1988; Ord. 112373 § 1(part), 1985.)

6.294.050 Teen 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.

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

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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.

(Seattle 6-88)

(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 Thirty-five Dollars (\$135.00).

(Ord. 118395 § 15, 1996; 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.

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

**Chapter 6.310
TAXICABS AND FOR-HIRE VEHICLES¹**

Sections:

I. General Provisions

6.310.100 Purpose.

6.310.110 Definitions.

6.310.120 Scope.

6.310.130 Licenses required.

6.310.140 Rule-making authority.

6.310.150 Fees.

II. Taxicab Associations Licensing and Operating Requirements

6.310.200 Taxicab association—License application.

(Seattle 3-97)

**Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.**

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

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TAXICABS AND FOR-HIRE VEHICLES

- 6.310.205Taxicab association owners, partners, and principals—Investigation.
- 6.310.210Taxicab association—Standards for license denial.
- 6.310.220Taxicab association—Approval of color scheme and uniform.
- 6.310.230Taxicab association—Operating responsibilities.
- 6.310.240Taxicab association—Transfers in the interest of a taxicab association.
- 6.310.250Taxicab association—License renewals.

III. Taxicab and For-hire Vehicle Licensing and Requirements

- 6.310.300Taxicab and for-hire vehicle license application.
- 6.310.305Taxicab and for-hire vehicle owners—Investigation.
- 6.310.310Taxicab and for-hire vehicle—Standards for license denial.
- 6.310.320Taxicab and for-hire vehicle—Vehicle operating requirements.
- 6.310.330Taxicab owner and for-hire vehicle owner responsibilities.
- 6.310.340Taxicab and for-hire vehicle—License transfer.
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1.Editor's Note: Unless otherwise specifically stated in this chapter, the provisions of Ordinance 118341 relating to taxicab associations, the requirement that taxicab owners and for-hire drivers join associations, and the provisions relating to penalty points associated with violations takes effect May 1, 1997.

6.310.100 BUSINESS REGULATIONS

I. General Provisions

6.310.100 Purpose.

The ordinance codified in this chapter is an exercise of The City of Seattle's power to license for-hire vehicles, taxicabs, for-hire drivers and taxicab associations, for regulations and revenue. Some of its regulatory purposes are to increase the safety, reliability, cost-effectiveness, and the economic viability and stability of privately-operated for-hire vehicle and taxicab services within The City of Seattle. (Ord. 118341 § 2(part), 1996.)

6.310.110 Definitions.

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

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

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

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

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

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

F. "Contract rate" means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the

services identified in the contract. Contracts for package delivery may be made on an oral basis.

G. "Department" means the Executive Services Department of The City of Seattle, or any department that succeeds to the Department's duties under this chapter.

H. "Director" means the Executive Services Director or the director of any successor department and the Director's authorized designee.

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

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

1. Taxicabs as defined in this chapter;
2. School buses operating exclusively under a contract to a school district;
3. Ride-sharing vehicles under Chapter 46.74 RCW;
4. Limousine carriers licensed under Chapter 81.90 RCW;
5. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under Chapter 81.66 RCW;
6. Vehicles used by auto transportation companies licensed under Chapter 81.68 RCW;
7. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and
8. Charter party carriers and excursion service carriers licensed under Chapter 81.70 RCW.

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

or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

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

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

N. "Lessor" means an owner of a taxicab or for-hire vehicle who leases to a lease driver.

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

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

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

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

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

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

U. "Taxicab" means every motor vehicle:

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

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

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

4. Where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate permitted under this chapter. Despite the foregoing, "taxicab" does not include those vehicles listed in SMC Section 6.310.110 J2—J8 or for-hire vehicles.

V. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least fifteen (15) taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least fifteen (15) taxicabs and otherwise meets the requirements of this chapter.

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

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

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

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

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

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(Ord. 118397 § 93, 1996; Ord. 118341 § 2(part), 1996.)

6.310.120 Scope.

This chapter applies to all taxicab associations, all taxicabs, all for-hire vehicles and all for-hire drivers operating within The City of Seattle. This chapter is not intended to be a part of the New License Code, Chapter 6.202 et seq. (Ord. 118341 § 2(part), 1996.)

6.310.130 Licenses required.

A. It is unlawful to own, lease, drive or otherwise operate within The City of Seattle any taxicab or for-hire vehicle within the scope of this chapter, unless:

1. The for-hire driver has a valid license issued under this chapter;
2. The for-hire vehicle or taxicab has a valid license issued under this chapter; and
3. If the vehicle is a taxicab, the taxicab is affiliated with a taxicab association licensed under this chapter.

B. It is unlawful to operate a taxicab association within the City without a valid license issued pursuant to this chapter. (Ord. 118341 § 2(part), 1996.)

6.310.140 Rule-making authority.

The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02 to implement the provisions of this chapter. (Ord. 118341 § 2(part), 1996.)

6.310.150 Fees.

The following nonrefundable fees shall apply: Taxicab Association, Taxicab, For-hire Vehicle and For-hire Driver Fees:

- A. Taxicab association annual fee \$750.00
Late fee for taxicab association annual fee 75.00
Fingerprinting of owners and officers Charge as determined by Director to cover costs
- B. Taxicab or for-hire vehicle license:
Annual fee \$240.00
Late fee (renewal) 24.00
Change of equipment 50.00
Change of owner:
September/February 240.00
March/August (pro-rated) 120.00
July 16th—August 31st*
Replace taxicab plate \$10.00

- Special inspection fee (SMC Chapter 7.04)** 30.00/hour (1 hour minimum)
- Vehicle reinspection fee (for Class A violations).....20.00
- Inspection rescheduling fee20.00
- Taxicab meter registration fee (SMC Chapter 7.04).....5.00
- Taxicab change of association affiliation50.00
- Suspension reinstatement fee (when no penalty is assessed) or reinspection fee (for Class B violations).....50.00
- Fingerprinting of owners Charge as determined by Director to cover costs

*No fee is due if change of ownership takes place during July 16—Aug 31 and is in conjunction with annual license renewal.
**For retest of taxicab meter and inspections provided to other municipalities.

C. For-hire driver:

- For-hire.....\$55.00
- Add/change affiliation***20.00
- Late fee.....10.00
- ID photo2.00
- Fingerprinting..... Charge as determined by Director to cover costs
- Replacement license5.00
- Training class fee As determined by Director

***Taxicab drivers may only drive for a maximum of three (3) associations. (Ord. 118341 § 2(part), 1996.)

II. Taxicab Associations Licensing and Operating Requirements

6.310.200 Taxicab association—License application.

A. Any business or individual desiring to operate as a taxicab association within The City of Seattle shall file with the Director a signed and notarized taxicab association application, on forms approved by the Director. The application shall include the following information:

1. The applicant taxicab association's name, business street address and Post Office box address (if any), business facsimile number, business phone number where the taxicab association representative can generally be reached between nine a.m. (9:00 a.m.) and five p.m. (5:00 p.m.) on all nonholiday weekdays, and

FCC-licensed frequencies used for dispatch or response;

2. The form of business entity under which the association will operate (e.g. corporation, partnership, cooperative association);

a. If the applicant taxicab association is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner, or

b. If the applicant taxicab association is a corporation, partnership or other business entity, the names, home and business addresses, telephone numbers, and date of birth of all officers, directors, general and managing partners, registered agents, and of all other persons vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties, and the entity's true legal name, state of incorporation or registration with the Secretary of State of the State of Washington (if any) and State of Washington business license number, and any other information that the Director may reasonably require;

3. The color scheme the applicant taxicab association proposes to require for each affiliated taxicab, and two (2) two-inch (2") by two-inch (2") sample color chips;

4. A brief description of the uniform the applicant taxicab association proposes to require for drivers of affiliated taxicabs, which shall include full length pants (hemmed slack material), collared shirt, and shoes. The uniform may include the option to wear shorts in the summer, provided that the shorts extend no higher than two inches (2") above the kneecap and are of a similar color and pattern to the uniform full-length pants. Further, the uniform may be modified in individual cases as necessary to (1) avoid interfering with the for-hire driver's religious beliefs, and/or (2) accommodate the for-hire driver's disability or disabilities;

5. The name, address, phone number and date of birth of the taxicab association representative;

6. The taxicab number (assigned by the City/County) and the name of each taxicab vehicle owner that will be affiliated with the taxicab association;

7. The special and/or contract rates that will be charged by taxicabs affiliated with the taxicab association; and

8. Any other information required by regulations adopted pursuant to this chapter.

9. The above application and information must be completed for each annual license renewal.

B. All applications submitted to the Director must be accompanied by the license fee set forth in SMC Section 6.310.150.

C. The taxicab association applicant or licensee must inform the Director in writing within seven (7) days if any of the information provided pursuant to subsection A of this section changes, ceases to be true or is superseded in any way by new information.

(Ord. 118341 § 2(part), 1996.)

6.310.205 Taxicab association owners, partners, and principals—Investigation.

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check.

(Ord. 118341 § 2(part), 1996.)

6.310.210 Taxicab association—Standards for license denial.

A. The operation of a taxicab association is a privilege, not a right. The taxicab association's ability to satisfy stated criteria for a taxicab association license does not create a right to a taxicab association license.

B. The Director shall deny any taxicab association license application if the Director determines that:

1. The applicant does not represent at least fifteen (15) affiliated taxicabs;

2. The application has a material misstatement or omission;

3. The application is incomplete; and/or

4. Within three (3) years of the date of application, the applicant, or any owner, officer, director, managing partner, general partner or principal of the applicant, has had a bail forfeiture, conviction or other final adverse finding for crimes of fraud, theft, larceny, extortion, embezzlement, racketeering, Uniform Controlled Substances Act, prostitution, alcohol and/or narcotics where the commission of such crime(s) involved a taxicab association, taxicab or for-hire vehicle company, taxicab, for-hire vehicle or limousine.

C. The Director may deny any taxicab association license application if the Director determines that, within five (5) years of the date of

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application, the taxicab association applicant, or if the taxicab association applicant is a business entity, any officer, director, managing partner, general partner, registered agent or principal of the taxicab association:

1. Within five (5) years of the date of application, has had a bail forfeiture, conviction or other final adverse finding involving crimes directly related to the applicant's ability to operate a taxicab association, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion; and/or

2. Has exhibited past conduct, as evidenced by a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding) in operating a taxicab association, business or vehicle that would lead the Director to reasonably conclude that the applicant will not fulfill the taxicab association responsibilities and requirements set forth in this chapter.

(Ord. 118341 § 2(part), 1996.)

6.310.220 Taxicab association—Approval of color scheme and uniform.

The Director shall have final approval over the taxicab association's color scheme and uniform, in order to ensure that there is no risk of confusion between the colors of different taxicab associations, and to ensure that the uniform meets the standards of SMC Section 6.310.200 A3 and 4.

(Ord. 118341 § 2(part), 1996.)

6.310.230 Taxicab association—Operating responsibilities.

A. In addition to meeting the license application requirements set forth in Section 6.310.200, the taxicab association must:

1. Maintain a business office that:
 - a. Is open and personally staffed all business days between nine a.m. (9:00 a.m.) and five p.m. (5:00 p.m.) (Class A),
 - b. Has a business telephone number that is listed in the white and yellow pages of the telephone book and can be answered during all hours of operation (Class A),
 - c. Has a mailing address where the taxicab association representative will accept mail (Class A), and
 - d. Stores all records that this chapter requires the taxicab association to maintain (Class A);

2. Ensure that each affiliated taxicab is insured as required in SMC Sections 6.310.300 C5 and C6 and 6.310.320 D (Class B);

3. Ensure that each affiliated taxicab maintains the taxicab association's color scheme and identification; provided, that taxicab associations comprised exclusively of independent taxicabs need not meet this requirement until January 1, 1999. For purposes of this subsection, an "independent taxicab" means a taxicab that, prior to October 1, 1996, shared a central dispatch service with nine (9) or fewer other taxicabs. A taxicab permanently loses its status as an independent taxicab if it affiliates with a taxicab association that is not comprised exclusively of independent taxicabs (Class B);

4. Maintain on file at the taxicab association's place of business proof of insurance required by SMC Sections 6.310.300 C5 and C6 and 6.310.320 D (Class A);

5. Accept on behalf of any owner or driver of an affiliated taxicab all correspondence from the Director to that owner or driver (Class A);

6. Deliver to the owner and for-hire driver of an affiliated taxicab any correspondence from the Director to that owner or driver as soon as reasonably possible after the taxicab association receives such correspondence (Class A);

7. Collect and store for at least two (2) years trip sheet records for all affiliated taxicabs, including daily logs, as prescribed by the Director, of taxicabs in service, together with the driver's name, taxicab number and summary of trip sheet totals (Class A);

8. Collect and provide the following service information to the Director annually, at a time set by regulation adopted pursuant to this chapter:

- a. Number of service requests (trips),
- b. Average number of taxicabs operating during the year,
- c. Average number of operating hours per week per taxicab,
- d. Total paid trip miles for the past year per taxicab, and

e. Number of complaints received regarding:

i. Driver conduct sorted by driving behavior, communication, personal dress or hygiene;

ii. Vehicle condition sorted by appearance, mechanical and/or safety;

iii. Service response; and

iv. Lack of driver knowledge of route or requested destination (all subsections Class B);

9. Maintain a log of, and forward to the Director upon request, each oral or written customer complaint that the taxicab association receives about the taxicab association or about an owner, lessee or driver of an affiliated taxicab. Where applicable, the taxicab association should include a notice of the action taken by the taxicab association to resolve the complaint and the disposition (Class A);

10. Notify the Director within two (2) working days of the taxicab association having knowledge of the following:

a. A conviction, bail forfeiture or other final adverse finding received by the driver or the owner of an affiliated taxicab for any criminal offense or traffic violation that occurs during or arises out of the driver's operation of the taxicab (Class A for traffic violation, Class B for any criminal offense),

b. A conviction, bail forfeiture or other final adverse finding received by the driver or the owner of an affiliated taxicab for any other criminal offense directly bearing on the driver's fitness to operate a taxicab or the owner's fitness to own a taxicab, including but not limited to theft, fraud, robbery, burglary, assault, sex crimes, alcohol, drugs, or prostitution (Class B),

c. A vehicle accident required to be reported to the State of Washington involving any affiliated taxicab (Class B),

d. Any restriction, suspension or revocation of a State of Washington driver's license issued to a driver of an affiliated taxicab (Class B), and/or

e. Any matter listed in SMC Section 6.310.210 B4 or 6.310.210 C (Class B);

11. Notify the Director within five (5) working days of any change in the affiliation status of any taxicab, including any new taxicab joining the association, any taxicab leaving the association, and any suspension, termination, nonrenewal or revocation of a taxicab by the

taxicab association or by any jurisdiction other than The City of Seattle (Class A);

12. Continue to affiliate with at least fifteen (15) taxicabs licensed under this chapter. If the number of taxicabs falls below fifteen (15), the taxicab association must increase the number to fifteen (15) within six (6) months from the date the number falls below fifteen (15), or combine with an already existing association, or lose its license under this chapter (revocation or nonrenewal);

13. Comply with all regulations promulgated pursuant to this chapter (see applicable rules for penalties or actions);

14. Permit the Director to carry out inspections without notice of all taxicab records required to be kept under this chapter, and all affiliated taxicabs (Class B); and

15. Pay all penalties imposed by the Department that are either not contested or are upheld after review (revocation of license).

B. Taxicab associations must meet the requirements of Section 6.310.200 C.

C. Failure to meet the requirements of this section (SMC Section 2.310.230) is a violation of this chapter.

(Ord. 118341 § 2(part), 1996.)

6.310.240 Taxicab association—Transfers in the interest of a taxicab association.

A taxicab association license is not transferable. However, an interest in a business entity holding a taxicab association license may be transferred, but only after the new owner or principal has submitted an application, met the standards and requirements contained in Sections 6.310.200, 6.310.205, and 6.310.210, and secured written approval of the Director.

(Ord. 118341 § 2(part), 1996.)

6.310.250 Taxicab association—License renewals.

A taxicab association license is valid for no more than one (1) year and expires on December 31st. No taxicab association license may be renewed unless the renewal fee has been paid and all outstanding penalties assessed against the taxicab association, its affiliated taxicabs and the for-hire drivers of affiliated taxicabs have been paid to the Director. The Director shall not renew the taxicab association license unless the Director determines that the taxicab association's continued

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operation is in the public interest. All denials of renewal applications must be set forth in writing, together with the reasons for denial. The written denial shall be delivered either personally or by first class mail to the address provided by the applicant on the license renewal application. (Ord. 118341 § 2(part), 1996.)

III. Taxicab and For-hire Vehicle Licensing and Requirements

6.310.300 Taxicab and for-hire vehicle license application.

A. A taxicab association representative is responsible for filing with the City a taxicab license application, on forms approved by the Director, for each taxicab that is, or is proposed to be, affiliated with the association. The taxicab owner must sign and swear to the application, which shall include the information specified in subsection C of this section.

B. A for-hire vehicle owner must file with the City a for-hire vehicle license application on forms provided by the Director.

C. The taxicab or for-hire vehicle license application shall include the following information:

1. Ownership type:

a. If the owner is an individual, the owner's full name, home address, home and business telephone number and date of birth (which shall be at least eighteen years prior to the date of application), or

b. If the owner is a corporation, partnership or other legal entity, the names, home addresses, telephone numbers and date of birth (which must be at least eighteen years before the date of application) for the corporation's or entity's officers, directors, general and managing partners, registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, state of incorporation or partnership registration (if any), business address and telephone and facsimile numbers and State of Washington business license number, and any other information that the Director may reasonably require;

2. Vehicle information, including the name of the taxicab association with which a taxicab is or will be affiliated, the taxicab or for-hire vehicle number assigned by any regulato-

ry agency, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and any other vehicle information required by rule or regulation promulgated under this chapter;

3. Information as requested by the Department pertaining to any driver's, for-hire vehicle or taxicab license suspension, denial, nonrenewable or revocation, imposed in connection with a taxicab or for-hire vehicle owned or leased by the owner within the last three (3) years;

4. Criminal history, as requested by the Department, of the owner, or if the owner is a business entity, of the persons specified in subsection C1b above;

5. Certificate of insurance proving compliance with Chapter 46.72 RCW, as now or hereafter amended, for each taxicab or for-hire vehicle for which a license is sought. The certificate shall:

a. Be issued by a company authorized to carry on an insurance business in the State of Washington,

b. Name The City of Seattle as a certificate holder, and

c. Provide that the insurer will notify the Director, in writing, of any cancellation at least thirty (30) days before that cancellation takes effect;

6. Certificate of underinsured motorist coverage indicating a minimum coverage of Twenty-five Thousand Dollars (\$25,000.00) per person, and Fifty Thousand Dollars (\$50,000.00) per accident, or a certificate of self-insurance issued pursuant to RCW 46.29.630;

7. State of Washington For-hire Certificate;

8. State of Washington vehicle registration;

9. Certificate of safety as required in SMC Section 6.310.320 E;

10. Certificate of taxicab association membership (if application is for a taxicab license); and

11. Any other documents required by regulations promulgated under this chapter.

12. The above application and information must also be completed and supplied during any annual license renewal.

D. The taxicab association applicant must inform the Director in writing within seven (7) days if any of the information provided pursuant to subsection C changes, ceases to be true or is superseded in any way by new information. (Ord. 118341 § 2(part), 1996.)

6.310.305 Taxicab and for-hire vehicle owners—Investigation.

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check. (Ord. 118341 § 2(part), 1996.)

6.310.310 Taxicab and for-hire vehicle—Standards for license denial.

A. The Director shall deny any taxicab or for-hire vehicle owner license application if the Director determines that:

1. The applicant has failed to submit a complete, satisfactory application pursuant to SMC Section 6.310.300;

2. The applicant taxicab owner has failed to affiliate with a licensed taxicab association;

3. The applicant has made any material misstatement or omission in the application for a license;

4. The applicant fails to meet one or more of the applicant or vehicle requirements of a taxicab or for-hire vehicle owner licensee pursuant to SMC Section 6.310.320; and/or

5. Within three (3) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture or other final adverse finding of criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery, or violation of the Uniform Controlled Substances Act within three (3) years of the date of application where such crime involved the use of a taxicab, for-hire vehicle or limousine.

B. The Director may deny any taxicab or for-hire vehicle owner license application if the Director determines that:

1. Within five (5) years of the date of application, the applicant or, if the applicant is a business entity, any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture, or

other final adverse finding involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion;

2. Within two (2) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has been found, either through a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding) to have exhibited past conduct in driving or operating a taxicab or for-hire vehicle or operating a taxicab or for-hire business which would lead the Director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle;

3. Within two (2) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has engaged in the business of operating any taxicab or for-hire vehicle within The City of Seattle without a current valid license from The City of Seattle;

4. Within twelve (12) months of the date of application, the applicant has violated and/or caused or knowingly permitted a driver to violate, any King County or Port of Seattle ordinance or regulation pertaining to the operation of taxicabs while in those jurisdictions, if such violation would constitute grounds for license revocation or denial if occurring within the City; and/or

5. Within twelve (12) months of the date of application, the applicant has had its City of Seattle taxicab or for-hire vehicle license revoked. (Ord. 118341 § 2(part), 1996.)

6.310.320 Taxicab and for-hire vehicle—Vehicle operating requirements.

No taxicab or for-hire vehicle licensed by the City may lawfully operate within The City of Seattle unless the following minimum vehicle requirements are met:

6.310.320 BUSINESS REGULATIONS

A. All applicable licenses specified in Section 6.310.130 are in force for the taxicab or for-hire vehicle (Misdemeanor and Class C);

B. For taxicabs only, and subject to Section 6.310.230 A3, the vehicle complies with the approved color scheme of the taxicab owner's taxicab association (suspension and Class B);

C. Vehicle age requirements:

1. Prior to August 31, 2002. The vehicle's model year shall be no more than eight (8) years prior to the date of application. For example, vehicles licensed on August 31st of 1999 must be 1991 models or newer. All vehicles purchased and licensed after October 1, 1996 must meet this eight (8) year age limit. The following transition periods will apply to vehicles purchased and licensed on or before that date:

a. Owners of single taxicabs or for-hire vehicles:

Renewal date: Oldest permitted model year at renewal date:

August 31, 1997 ten (10) years prior to application date

August 31, 1998 nine (9) years prior to application date

August 31, 1999 eight (8) years prior to application date.

b. Owners of more than one taxicab or for-hire vehicle:

Renewal date: Percent of fleet that must meet eight (8) year or newer requirement:

August 31, 1997 At least thirty-three percent (33%)

August 31, 1998 At least sixty-six percent (66%)

August 31, 1999 one hundred percent (100%)

Replacement of vehicles under this subsection C1b shall be on an oldest vehicle first basis unless permission is granted by the Director.

2. As of August 31, 2002, the vehicle model year can be no more than seven (7) years prior to the date of application (denial of license);

D. The vehicle has insurance as required by SMC Section 6.310.300 C5 and C6, provided, that if an insurance policy is canceled, or a vehicle is deleted from the policy, proof of a new policy including the vehicle must be filed with the Director before the vehicle is canceled or deleted from the previous policy (suspension and Class C);

E. An approved mechanic has issued a valid certificate of safety for the vehicle within the last license year. Attached to this certificate of safety must be a certification stating that the taxicab or

for-hire vehicle has passed an emissions tests conducted by an Authorized Emission Specialist who has been certified by the Washington Department of Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal date (suspension and Class B);

F. The taxicab or for-hire vehicle has passed a City inspection at least once in the past license year, or more often if required by the Director because of previous violations (suspension and Class B);

G. The taxicab or for-hire vehicle meets the vehicle and safety standards set forth in regulations promulgated by the Director (Class A for vehicle standards, suspension and Class B for safety standards);

H. The taxicab or for-hire vehicle displays a taxicab vehicle license plate with a current year decal issued by the Director (suspension and Class B);

I. All rates, including discounts or special rates, and all taxicab numbers and letters are displayed in the manner prescribed by rule or regulation promulgated pursuant to this chapter (Class A);

J. The vehicle contains a map of Seattle and the region published within the past two (2) years, which will be displayed to any passenger upon request (Class A);

K. The taxicab is equipped with a properly sealed, working and accurate taximeter as prescribed by the Director (suspension and Class B);

L. The taxicab or for-hire vehicle is equipped with a consumer information board, the size, material, and placement of which is prescribed by the Director by rule. Such board shall include, at a minimum, the taxicab or for-hire vehicle name and number, the driver's license number, the taxi hotline number and consumer survey and complaint cards (Class A);

M. The taxicab contains no scanner or other type of receiver that is capable of monitoring another Taxicab Association's assigned frequency, except as otherwise permitted by the Director (suspension and Class B);

N. The taxicab is equipped and operated so that it can be contacted by two-way radio com-

munication in response to a telephone or other request for service by a prospective passenger. Until December 31, 1999, this requirement can be met by use of a mobile radio telephone service. After December 31, 1999, the requirement can only be met by two-way radio communication. Taxicab drivers using mobile radio telephone service must respond to Director inquiries within a time period to be specified by rule (Class B); and

O. Any other requirements set forth in regulations adopted pursuant to this chapter (safety regulations—Class B; nonsafety regulations—Class A). (Ord. 118341 § 2(part), 1996.)

6.310.330 Taxicab owner and for-hire vehicle owner responsibilities.

A. The owner of a taxicab or for-hire vehicle must ensure the taxicab or for-hire vehicle is being operated only by a driver who holds a valid for-hire driver's license (suspension (five (5) days) and Class B).

B. The taxicab or for-hire vehicle owner must maintain a business address and a mailing address where the owner can accept mail, and a business telephone in working order that can be answered at least nine a.m. (9:00 a.m.) to five p.m. (5:00 p.m.) Monday through Friday, and during all hours of operation. The taxicab association office or dispatch center may suffice for this requirement (Class A).

C. The taxicab owner shall comply with all requirements for taxicabs under the taxicab association requirements listed in Sections 6.310.200—6.310.330 (same Class violation as applied to association for same violation, except that penalty for owner will be monetary penalty only).

D. The taxicab or for-hire vehicle owner must notify the Director within three (3) working days of learning of the following occurrences:

1. Any conviction, bail forfeiture or other final adverse finding received by the taxicab driver or for-hire vehicle driver, for any criminal offense that occurs during, or arises out of, the driver's operation of a taxicab or for-hire vehicle (Class B);

2. Any conviction, bail forfeiture or other final adverse finding received by the taxicab or for-hire vehicle driver for any criminal offense involving theft, robbery, burglary, assault, sex

crimes, drugs, prostitution, or any related offense (Class B);

3. Any vehicle accident required to be reported to the State of Washington involving any taxicab operated by the taxicab driver or for-hire vehicle operated by the for-hire driver (Class B); or

4. Any restriction, suspension or revocation of the taxicab or for-hire vehicle driver's motor vehicle driver's license (Class B).

E. The taxicab or for-hire vehicle owner must maintain daily trip sheet records and complaint logs, as prescribed by the Director by rule for all licensed vehicles. A taxicab owner must insure that all original daily trip sheets are given to the taxicab association representative at least weekly. The for-hire vehicle owner must keep daily trip sheets and complaint logs for a minimum of two (2) years. The for-hire vehicle owner must provide to the Director annually the following information compiled from the daily trip sheets:

1. Number of service requests (trips) during the last year;

2. Average operating hours per week per vehicle for the last year;

3. Number of complaints received regarding:

a. Driver conduct categorized by driving behavior, communication, personal dress or hygiene,

b. Vehicle condition categorized by appearance, mechanical and/or safety,

c. Service response, and

d. Lack of driver knowledge including incorrect route or no knowledge of destination requested;

4. All complaints received regarding either the for-hire driver or the taxicab or for-hire vehicle, where such complaint involves an alleged violation of this chapter, including a note of the action taken to resolve the complaint and the disposition, if known (all violations within subsection E are Class A).

F. The taxicab or for-hire vehicle's owner and driver permits the Department to inspect the vehicle without notice, upon request (suspension and Class B).

G. The owner of a taxicab or for-hire vehicle must ensure that the for-hire driver complies with operating and conduct standards per SMC Sections 6.310.450—6.310.475 (same class of violation as for the for-hire driver).

6.310.330 BUSINESS REGULATIONS

H. The taxicab or for-hire vehicle owner shall comply with any applicable regulations promulgated under this chapter (Class B for safety requirements, otherwise Class A). (Ord. 118341 § 2(part), 1996.)

6.310.340 Taxicab and for-hire vehicle—License transfer.

A for-hire vehicle or taxicab license may be transferred. No transfer of a for-hire vehicle or taxicab license can take effect until all outstanding penalties assessed against the owner and/or any driver of the for-hire vehicle or taxicab are paid in full to the Director. The proposed transferee must submit a for-hire vehicle or taxicab license application according to the standards set forth in SMC Section 6.310.300. The standards for denial set forth in SMC Section 6.310.310 apply to proposed transfers. Transfers shall not become effective, and the proposed transferee may not operate the taxicab or for-hire vehicle, until the proposed transferee receives the taxicab or for-hire vehicle license. (Ord. 118341 § 2(part), 1996.)

6.310.350 Taxicab and for-hire vehicle—License expiration and renewal.

A. All taxicab and for-hire licenses shall expire on August 31st of the year following issuance of the license.

B. Each taxicab or for-hire vehicle owner must renew the for-hire vehicle or taxicab license every year. No taxicab or for-hire vehicle or taxicab license may be renewed unless all outstanding penalties assessed against the owner or the for-hire driver of the taxicab or for-hire vehicle are paid in full to the Director.

C. The Director shall deny any renewal application if grounds exist for the Director to deny a license pursuant to Section 6.310.310 A. If no such grounds exist, the Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under Section 6.310.310 B. (Ord. 118341 § 2(part), 1996.)

6.310.360 Destruction, replacement, retirement or inactivity of a taxicab or for-hire vehicle.

A. The taxicab association and/or taxicab owner shall notify the Director in writing within

five (5) working days whenever a taxicab is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason.

B. A for-hire vehicle owner shall notify the Director in writing within five (5) working days whenever a for-hire vehicle is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason.

C. Any vehicle that, for a period of at least sixty (60) days, is not legally operated as a taxicab or for-hire vehicle, shall be considered retired, and the license for each retired vehicle shall be deemed abandoned and void. The licensee shall immediately surrender the taxicab license plate and year decal, or for-hire vehicle license plate and year decal, for each such vehicle to the Director. Abandoned licenses may not be transferred or reinstated by any means without the Director's prior written permission. The Director, in considering whether to grant such permission shall consider the following nonexclusive factors:

1. The licensee must submit a written request for an extension of time that states the specific reason additional time is required, identifies a plan and timetable for placing the taxicab or for-hire vehicle in service within the shortest possible time, and attaches all documents substantiating the factual information contained in the request.

2. The plan and timetable submitted must reflect a reasonable approach for placing a taxicab or for-hire vehicle in service within the shortest possible time frame.

3. If the Director determines that the request for an extension of time should be granted, the Director may grant the licensee no more than thirty (30) additional calendar days (in addition to the original sixty (60) days) to place the taxicab or for-hire vehicle back into service.

4. No extensions will be granted to any licensee who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a taxicab or for-hire vehicle.

5. No more than one extension will be granted for each vehicle license during its license year (September 1st through August 31st). (Ord. 118341 § 2(part), 1996.)

6.310.370 Taxicab and for-hire vehicle—Owner surrender of vehicle license.

It is unlawful to operate a taxicab or for-hire vehicle whose license has been suspended or revoked. The taxicab association, taxicab owner and taxicab driver are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and taxicab vehicle license to the Director. The for-hire vehicle owner and for-hire vehicle driver(s) are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and for-hire vehicle license to the Director (Class C and misdemeanor if violation was knowingly permitted). (Ord. 118341 § 2(part), 1996.)

IV. For-hire Driver Licensing and Requirements

6.310.400 For-hire driver's license application.

A. A for-hire driver must complete, sign, swear to and file with the Director a for-hire driver's license application on forms provided by the Director to include the following information:

1. Name, aliases, residence and business address, residence and business telephone numbers;
2. Place and date of birth (which shall be at least twenty one (21) years prior to the date of application, height, weight, color of hair and eyes;
3. Social security number and Washington State driver's license number. The applicant must present his/her Washington State driver's license at time of renewal;
4. Proof that the applicant is a United States citizen or has documentation, as required by the United States Department of Justice Immigration and Naturalization Service, that the applicant is authorized to work in the United States;
5. The applicant's criminal history for the last five (5) years;
6. Information indicating whether or not the applicant has ever had a for-hire or driver's license suspended, revoked, or denied and for what cause;
7. A signed statement authorizing the Director to obtain a current copy of the applicant's driving record from the Washington State Department of Licensing; and
8. Such other information as may be reasonably required by regulation promulgated under this chapter.

9. The above application and information must also be completed on all annual renewals.

B. The following additional information must be filed prior to sitting for the written and oral examination:

1. If the applicant will drive a taxicab, a certification signed under penalty of perjury by a taxi association representative certifying that the applicant has successfully completed a one (1) week association training program in which the applicant has:

- a. Ridden with a trainer designated by the association in a taxicab for at least three (3) eight (8) hour days, and
- b. Received instruction in the region's geography, important structures and sites of interest;

2. Proof of successful completion of a certified training program per Section 6.310.415 approved by the Director.

C. A physician's certification signed not more than three (3) months prior to the date of initial application that complies with Section 6.310.410 and certifies the applicant's fitness as a for-hire driver must be filed prior to issuance of the for-hire driver's license.

D. All applications for for-hire driver's licenses become void if the applicant, for any reason other than delay caused by the City, fails or neglects to complete the application process or obtain a license within sixty (60) days of submitting an application. (Ord. 118341 § 2(part), 1996.)

6.310.405 Criminal background check.

All applicants for a for-hire driver's license must consent to be fingerprinted for a criminal background check. (Ord. 118341 § 2(part), 1996.)

6.310.410 For-hire driver physician's certification.

A. A medical examination and certification shall be required upon initial application, and every three (3) years thereafter, on the anniversary date of the license; provided, however, the Director may at any time require any for-hire licensee or applicant to be reexamined if it appears that the licensee has become physically or mentally unfit to be a for-hire driver.

6.310.410 BUSINESS REGULATIONS

B. The required medical certification and examination shall be performed by a physician licensed to practice in Washington State under Chapter 18.71 RCW and completed following that physician's physical examination of the applicant.

C. The scope of the certificate form and the examination shall be prescribed by the Director by rule.

D. A Washington State Department of Transportation medical certification meets the requirements of this section, as long as it was signed no more than three (3) months prior to the date of initial application, or in the case of the three (3) year renewal certification no more than three (3) months prior to the date of renewal.

(Ord. 118341 § 2(part), 1996.)

6.310.415 For-hire driver training program.

A. All initial for-hire driver applicants must have successfully completed, prior to taking the written and oral examination, no earlier than six (6) months before submitting the application, a training program approved by the Director that provides information about the history and geography of the Seattle and Puget Sound area, incentives for defensive driving and personal safety, enhancement of driver/passenger relations, and appearance and communication skills.

B. Currently-licensed for-hire drivers must meet the requirements of subsection A of this section if:

1. They fail a one (1) time test given to all currently-licensed for-hire drivers administered by the Director. This one (1) time test will be given during 1997 at the time the for-hire driver renews his/her for-hire driver's license;

2. A taxicab association with which the for-hire driver is affiliated requests that the for-hire driver receive a refresher course; or

3. The Director has reasonable grounds, based on documented complaints and/or violations, to believe that a refresher course is necessary.

(Ord. 118341 § 2(part), 1996.)

6.310.420 For-hire driver written and oral examination.

A. The Director shall prescribe the content of the examination, which must test the applicant's:

1. Knowledge of taxicab, for-hire vehicle and for-hire driver requirements contained in applicable codes and regulations;

2. Ability to speak and understand oral and written English sufficient for fulfilling the minimum acceptable standards for a taxicab, for-hire vehicle and/or for-hire driver;

3. Knowledge of vehicle safety requirements;

4. Knowledge of the geography of Seattle, King County and surrounding areas, and knowledge of local public and tourist destinations and attractions.

B. After submitting an application for an initial for-hire license, the applicant must pass a written and oral examination administered by The City of Seattle and/or jointly with King County.

C. An applicant who fails the written and/or oral examination is entitled to one (1) free opportunity to retake the examination. A second failure will result in a sixty (60) day wait for another opportunity to take the examination, and another license application fee. All later examination tries will require the sixty (60) day wait, and repayment of the license application fee.

D. The written and oral examination is not required for the renewal of a for-hire driver's license unless the applicant's license has remained expired for more than one (1) year.

(Ord. 118341 § 2(part), 1996.)

6.310.425 For-hire driver temporary permit.

A. Pending final action on a for-hire driver's license application, the Director may issue a temporary for-hire driver's license to an applicant who has filed a complete license application, meets the requirements of Section 6.310.400 A and B and has passed the written and oral examination per Section 6.310.420. The temporary license is valid for a period not to exceed sixty (60) days from the date of the application and shall not be extended or renewed. Only one (1) temporary license may be issued to the same person within any two (2) year time period.

B. The temporary license shall not be transferable or assignable and shall be valid only for operating the taxicab(s) or for-hire vehicle(s) specified by the Director on the license.

C. The temporary license shall become void immediately upon (1) suspension, revocation or expiration of the applicant's Washington State driver's license, (2) issuance of the for-hire driver's license, or (3) the Director's denial of the for-hire driver's license application, regardless whether the applicant appeals that denial. (Ord. 118341 § 2(part), 1996.)

6.310.430 For-hire driver—Standards for license denial.

A. The Director shall deny any for-hire driver's license application if the Director determines that the applicant:

1. Has made any material misstatement or omission in the application for a license;
2. Fails to meet any of the qualifications of a for-hire driver contained in SMC Section 6.310.400;
3. Has had a bail forfeiture, conviction, or other final adverse finding for crimes pertaining to hit-and-run, or for crimes pertaining to driving under the influence of alcohol or controlled substances while operating a taxicab or for-hire vehicle, within three (3) years of the date of application;
4. Is required to register as a sex offender pursuant to RCW 9A.44.130.

B. The Director may deny any for-hire driver's license application if the Director determines that the applicant:

1. Has had a bail forfeiture, conviction or other final adverse finding involving crimes pertaining to prostitution, gambling, physical violence, or other crimes directly related to the applicant's honesty and integrity, including but not limited to hit-and-run, fraud, larceny, burglary, extortion and/or directly related to the driver's ability to operate a taxicab, including without limitation driving under the influence of alcohol or controlled substances, provided that such bail forfeiture or conviction was within five (5) years of the date of application; or
2. Has been found, either through a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding), to have exhibited past conduct in driving or operating a taxicab or for-hire vehicle that causes the Director reasonably to conclude that the applicant will not comply with the provisions of the chapter related to driver/operator conduct and the safe operation of the vehicle.

(Ord. 118341 § 2(part), 1996.)

6.310.440 For-hire driver license expiration and renewal.

A. All for-hire driver's licenses shall expire one (1) year from the date of application.

B. Each for-hire driver must renew the for-hire driver's license every year. No for-hire driver's license may be renewed unless all outstanding penalties against the for-hire driver are paid in full to the Director.

C. The Director shall deny any renewal application if grounds exist for the Director to deny a license pursuant to Section 6.310.430 A. If no such grounds exist, the Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under Section 6.310.430 B.

6.310.450 For-hire driver operating standards.

A. A for-hire driver shall not operate a taxicab or for-hire vehicle without first obtaining and maintaining a valid for-hire driver's license (misdemeanor and Class C).

B. No for-hire driver whose license has been revoked by the Director shall apply for a new license for one (1) year from the effective date of such revocation (denial of license).

C. A for-hire driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal, and other vehicle equipment to see that they are working properly (Class B).

D. A for-hire driver, before starting each shift, shall ensure that the state for-hire certificate, the county and/or City taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle (Class A).

E. A for-hire driver shall not operate a taxicab or for-hire vehicle unless the interior and the exterior of the taxicab or the for-hire vehicle is clean and in good repair (Class A).

F. A for-hire driver shall not transport more passengers than the number of seat belts available nor more luggage than the taxicab capacity will safely and legally allow (suspension and Class B).

6.310.450 BUSINESS REGULATIONS

G. A for-hire driver shall allow the Director to inspect the taxicab or for-hire vehicle without notice at any reasonable time or place (Class B).

H. A for-hire driver shall pay all penalties imposed by the Department that are either not contested or are ultimately upheld. (Ord. 118341 § 2(part), 1996.)

6.310.455 For-hire driver conduct standards.

A. A for-hire driver shall not drink any alcoholic beverage while on duty or less than eight hours prior to going on duty, and shall not possess an open or unsealed container of any alcoholic beverage while in the for-hire vehicle or taxicab (suspension and Class B).

B. A for-hire driver shall, at the end of each trip, check the vehicle for any article that is left behind by passenger(s). Such articles found in taxicabs are to be reported as found property on the Taxi Hotline, as well as to the taxicab association, and such property is to be returned to the taxicab association representative at the end of the shift or sooner if possible (Class A).

C. A for-hire driver shall have in the driver's possession a valid for-hire driver's license and valid Washington State driver's license at any time the for-hire driver is operating the taxicab or for-hire vehicle; such for-hire license shall be displayed as prescribed by the Director (suspension and Class B).

D. A for-hire driver shall comply with any written notice of violation issued by the Director, including notices suspending or revoking a vehicle license, and notices requiring repair (suspension and Class B).

E. A for-hire driver shall not operate a taxicab or for-hire vehicle when such taxicab or for-hire vehicle license has been suspended or revoked by the Director or by order of the King County official responsible for implementing taxicabs or for-hire vehicle regulations or ordinances (revocation and Class B).

F. A for-hire driver shall immediately surrender the vehicle license plate and year decal to the Director upon written notice that the vehicle license has been suspended, not renewed or revoked (revocation and Class B).

G. A for-hire driver shall not be in control of a taxicab or for-hire vehicle for more than twelve (12) hours spread over a total of fifteen (15) hours in any twenty-four (24) hour period. Thereafter, such for-hire driver shall not drive any taxicab

until ten (10) consecutive hours have elapsed (suspension and Class B).

H. A for-hire driver operating under a temporary for-hire license shall not drive, operate, or be in control of a taxicab or for-hire vehicle other than that designated on the temporary for-hire license (Class A).

I. A for-hire driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the required customer information board is not displayed or does not contain all required information (Class A).

J. A for-hire driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and convenience of passengers (Class B for safety violations; Class A for nonsafety violations).

K. A for-hire driver shall not solicit for prostitution nor allow the vehicle to be used for such unlawful purpose (revocation and Class C).

L. A for-hire driver shall not knowingly permit the taxicab or for-hire vehicle to be used for the illegal solicitation, transportation, or sale, or any other activity related to illegal drugs (revocation and Class C).

M. A for-hire driver shall deposit all refuse appropriately and shall under no circumstances litter (Class A).

N. A for-hire driver shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a taxicab or for-hire vehicle (Class B).

O. A for-hire driver shall, upon request by the Director, a passenger, or a police officer, provide the City-issued for-hire license and/or Washington State driver's license for inspection (suspension and Class B, Class A if request was by passenger). (Ord. 118341 § 2(part), 1996.)

6.310.460 For-hire driver taxicab meter/rates standards.

A. A for-hire driver shall not operate any taxicab that does not have a sealed taximeter in good working order (suspension and Class B).

B. A for-hire driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. Beginning of a trip means the point where the passenger is seated and the forward motion of the vehicle begins (Class A).

C. A for-hire driver shall assure that the meter reading is visible from a normal passenger position at all times (Class A).

D. A for-hire driver shall not operate a taxicab or for-hire vehicle that does not have the rate posted as prescribed by the Director (Class A).

E. A for-hire driver shall not ask, demand or collect any rate or fare other than as specified on the meter, required by ordinance, or pursuant to special rates or contract rates on file with the Director (Class B).

F. A for-hire driver shall complete daily tripsheets, as prescribed by the Director, and shall show all trips in an accurate and legible manner as each trip occurs. Daily tripsheets shall include the following information:

1. Driver's name and for-hire license number;
2. Owner's name and vehicle name and number;
3. Vehicle for-hire license number;
4. Beginning and ending odometer reading;
5. Beginning and ending time of each shift worked;
6. Date, time, place or origin, and dismissal of each trip;
7. Fare collected;
8. Number of passengers;
9. No shows; and
10. Contract rates or special rates (all Class A).

G. A for-hire driver shall allow the Director to inspect the daily trip sheet at any time, without notice (Class B).

H. A taxicab driver shall turn in completed trip sheets to the taxicab association at least weekly (Class A).
(Ord. 118341 § 2(part), 1996.)

6.310.465 For-hire driver-passenger relations standards.

A. A taxicab driver shall wear the uniform adopted by the association and approved by the Director (Class A).

B. A for-hire driver's clothes shall be neat and clean at all times that the driver is on the driver's shift. The term "neat and clean" as it relates to clothes shall mean that all clothing is clean, free from soil, grease and dirt and without unrepaired rips or tears. Drivers shall not wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through

mesh), swimwear, jogging or warm-up suits or sweatshirts or similar attire, shorts or trunks (jogging or bathing), sandals, or any similar clothing. Summer uniforms can include Bermuda shorts (hemmed slack material) that extend down to within two (2) inches of the top of the knee cap (Class A).

C. A for-hire driver shall be clean and well groomed at all times while on duty. "Clean" means that state of personal hygiene, body and hair cleanliness and absence of offensive body odor normally associated with frequent clothes laundering and bathing or showering. "Well groomed" means beards and mustaches are groomed and neatly trimmed, and scalp and facial hair is neatly trimmed, and combed or brushed (Class A).

D. A for-hire driver shall provide customers with professional and courteous service at all times (Class A).

E. A for-hire driver shall not refuse a request for service because of the driver's position in line at a taxicab zone; a passenger may select any taxicab in line (Class B).

F. A for-hire driver shall at all times assist a passenger by placing luggage or packages (under fifty (50) pounds) in and out of the taxicab or for-hire vehicle (Class A).

G. A for-hire driver shall not refuse to transport in the taxicab or for-hire vehicle any passenger's wheelchair which can be folded and placed in either the passenger, driver, or trunk compartment of the taxicab or for-hire vehicle, an assist dog or guide dog to assist the disabled or handicapped, groceries, packages or luggage when accompanied by a passenger (Class B).

H. A for-hire driver shall provide each passenger a receipt upon payment of the fare. The receipt shall accurately show the date and time, place of pickup and delivery, the amount of the fare, the taxicab name, number and association, and the printed name and for-hire driver's license number of the for-hire driver (Class A).

I. A for-hire driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route (Class B).

J. A for-hire driver shall not permit any person or pet to ride in the taxicab or for-hire vehicle unless that person or pet accompanies, or is in the vehicle at the request of, a fare-paying individual. This requirement shall not apply to uniformed driver trainees (Class A).

6.310.465 BUSINESS REGULATIONS

K. A for-hire driver shall not refuse to transport any person except when:

1. The for-hire driver has already been dispatched on another call;

2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the for-hire driver to reasonably believe that the for-hire driver's health or safety, or that of others, may be endangered;

3. The passenger cannot, upon request, show ability to pay the fare (Class B).

L. A for-hire driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all passengers (Class A).

M. A for-hire driver shall be able to provide a reasonable amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change (Class A).

N. A for-hire driver shall not make any discriminatory charges to any person, or make any rebate or in any manner reduce the charge to any person unless such is in conformity with the discounts or surcharges contained in the filed rates (Class B).

(Ord. 118341 § 2(part), 1996.)

6.310.470 For-hire driver soliciting and cruising standards.

A. A for-hire driver may solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab or for-hire vehicle (within twelve (12) feet), and only when the vehicle is safely and legally parked (Class A).

B. A for-hire driver shall not use any other person to solicit passengers (Class A).

C. A for-hire driver shall not hold out the for-hire vehicle or taxicab for designated destinations (Class A).

(Ord. 118341 § 2(part), 1996.)

6.310.475 For-hire driver taxi zone standards.

A. A for-hire driver shall not leave the taxicab unattended in a taxicab zone for more than fifteen (15) minutes. Such vehicles will be impounded by order of the Director (Class A).

B. A for-hire driver shall occupy a taxicab zone only when available for hire (Class A).

C. A for-hire driver shall not perform engine maintenance or repairs on the taxicab while in a taxicab zone (Class A).

(Ord. 118341 § 2(part), 1996.)

V. Entry Standards and Rates

6.310.500 Taxicabs—Maximum number.

A. The total number of taxicab licenses in effect at any one time shall not exceed the number in effect as of December 31, 1990.

B. The Director may, at the Director's discretion, issue taxicab licenses to special service vehicles used to provide transportation to disabled persons defined in KCC 6.64.010 or to handicapped persons as defined in SMC Section 6.310.110.

(Ord. 118341 § 2(part), 1996.)

6.310.510 Response times.

The Director shall establish a schedule of optimum average taxicab response times to requests for taxicab service at selected points within the City. The Director shall periodically thereafter survey actual taxicab response times. A comparison of average actual response times to the optimum average taxicab response times shall be used as an indicator of taxicab industry performance and may be used as one criterion in evaluating and recommending rate and entry changes.

(Ord. 118341 § 2(part), 1996.)

6.310.520 Director's reports.

When requested by the Seattle City Council, the Director shall file a report with the Seattle City Council based upon data collected on tripsheets or through taximeter readings. The report may include but not be limited to the following:

A. Number of taxicabs licensed in Seattle/King County during the reporting period and during the preceding year;

B. Number of drivers licensed in Seattle/King County during the reporting period and during the preceding year;

C. Numbers and nature of complaints;

D. Results of any survey of taxicab response times and any changes in response times from previous reporting periods;

E. Results of meter readings;
 F. Any other information deemed appropriate by the Director.
 (Ord. 118341 § 2(part), 1996.)

waiting time.....\$.50*
 4. Extra charge for passengers over two (2) excluding children under twelve (12).....50

6.310.530 Rates.

A. The rates for taxicabs licensed to operate in Seattle shall be established by the Seattle City Council.

B. In reviewing rates the Council may take into account, among other things, and with the objective of prescribing a just and reasonable rate, the following factors:

1. The information in a report prepared by the Director pursuant to SMC Section 6.310.520;
2. The public's need for adequate taxi service at the lowest level of charges consistent with the provision, maintenance and continuation of such service;
3. The rates of other licensees operating in similar areas;
4. The effect of such rates upon transportation of passengers by other modes of transportation;
5. The owners' need for revenue of a level that, under honest, efficient and economical management, is sufficient to cover the cost (including all operating expenses, depreciation accruals, rents, license fees and taxes of every kind) of providing adequate taxi service, plus an amount equal to such percentage of the cost as is reasonably necessary for the replacement of deteriorated taxicabs and a reasonable profit to the owner;
6. Consistency of rates with those charged by King County.

C. No taxicab shall have more than one rate on its meter.

D. Except for special or contract rates as provided for in this chapter or any per trip fee established by the Port of Seattle and set forth in any operating agreement or tariff, it shall be unlawful for anyone operating a taxicab licensed by The City of Seattle to advertise, charge, demand or receive any greater or lesser rate than the following:

Meter rate:

1. Drop charge: for passengers for first 1/9 mile..... \$1.80
2. Per mile: For each 1/9 mile or fraction thereof after the first 1/9 mile .20
3. For every one (1) minute of

*Waiting time charges are initiated when speedometer is less than seventeen (17) miles per hour or when taxicab is asked to wait for the customer.

E. Special Rates and Contract Rates.

1. Special rates as defined in this chapter shall be calculated as a percentage of the meter rate.
2. The special rates must be filed with the Director on forms furnished by the Director.
3. All special rates and/or contract rates shall be filed once a year at the time of application by the taxicab association representative or by the owner of a for-hire vehicle which is not a taxicab.
4. Licensees may change the special rates filed no more than once a year.
5. Contract rates set during the license year shall be filed within two (2) weeks of securing such contract and before implementing the contract rate.

F. Every for-hire vehicle licensee shall file all rates and charges with the director. All rates and charges, including any adopted senior citizen discount rate shall be conspicuously displayed in the interior of the for-hire vehicle so as to be readily discernible to the passenger. The Director will prescribe the manner of such posting.

G. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written contract which establishes a fare at a different rate for specified transportation and has been previously filed with the Director; provided, that no contract may include any provision the effect of which is to directly or indirectly require exclusive use of the transportation services of the contracting taxicab or for-hire vehicle.

H. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate which is different from the taxicab rates adopted in subsection D of this section, except in those instances where the transportation of disabled persons is pursuant to a written contract as specified in subsection G of this section (Class B).
 (Ord. 118341 § 2(part), 1996.)

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VI. Enforcement

6.310.600 Penalties.

A. Violations of SMC Section 6.310.130 shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment.

B. For each violation of a provision in this chapter that has a class referenced in parenthesis after the provision, a civil penalty and penalty points shall be imposed by and paid to the Department according to the provisions of SMC Section 6.310.605.

(Ord. 118341 § 2(part), 1996.)

6.310.605 Monetary penalties and penalty points.

A. For-hire Driver or Taxicab/For-hire Vehicle Violations.

Violation	Penalties Against For-hire Driver, or Owner of Taxicab or For-hire Vehicle	Penalty Points Attributed to Taxicab Association ¹
1. Violations Found Away from City's Inspection Facility.		
First Class A in one year (September 1st—August 31st)	\$ 30.00	2
Second Class A in one year	60.00	3
Third or more Class A violation in one year	100.00	4
First Class B violation in one year	60.00	4
Second Class B violation in one year	150.00	7
Third or more Class B violation in one year	250.00	10
All Class C violations	1000.00	20
2. Violations Found During Inspections at City's Inspection Facility.		
Class A violation found during inspection at City's inspection facility	Vehicle reinspection fee. See fee schedule in Section 6.310.150	2 each violation
Class B violation found during inspection at City's inspection facility	Vehicle reinspection fee. See fee schedule in Section 6.310.150	4 each violation

¹Penalties and penalty points are attributed to the taxicab association with which the taxicab and/or for-hire driver is affiliated at the time the violation occurs.

B. Taxicab Association Violations.

Violation	Penalty Points Against Taxicab Association
First Class A violation in one year (September 1st—August 31st)	5
Second Class A violation in one year	6
Third or more Class A violation in one year	7
First Class B violation in one year	10
Second Class B violation in one year	12
Third or more Class B violation in one year	15

As soon as an association accumulates more than five (5) penalty points per affiliated taxicab, on average, it must pay a penalty to the Director of One Hundred Dollars (\$100.00) per affiliated taxicab. As soon as an association accumulates more than seven (7) penalty points per affiliated taxicab, on average, it must pay an additional penalty to the Director of One Hundred Fifty (\$150.00) per affiliated taxicab. As soon as an association accumulates more than ten (10) points per affiliated taxicab, on average, it must pay an additional penalty to the Director of Two Hundred Fifty (\$250.00) per affiliated taxicab. For purposes of this subsection, average number of penalty points per affiliated taxicab means total association penalty points divided by number of taxicabs within the association.

Upon renewal of the taxicab association license, the association will start the new year with zero (0) penalty points.

C. Taxicab or For-hire Vehicle Owner's Responsibility for Penalties Incurred by For-hire Drivers. A taxicab or for-hire vehicle owner is jointly and severally liable for each monetary penalty assessed against any for-hire driver who commits a violation while operating a taxicab or for-hire vehicle belonging to that owner. The City is not required to pursue collection of the penalty from the driver as a prerequisite to pursuing collection of the penalty from the owner.

D. Taxicab Association's Responsibility for Penalties Incurred By For-hire Drivers and Taxicab Owners. In addition to incurring penalty points, the taxicab association is jointly and severally liable for each monetary penalty assessed against any for-hire driver or taxicab affiliated with the taxicab association. The City is not required to pursue collection of the penalty from the for-hire driver or the taxicab owner as a pre-

requisite to pursuing collection of the penalty from the taxicab association.
(Ord. 118341 § 2(part), 1996.)

6.310.610 Suspension or revocation.

A. Summary Suspension or Revocation. Notwithstanding any other provision of this chapter, the Director may summarily suspend or revoke a license issued under this chapter prior to any hearing if the Director determines that grounds for license suspension or revocation exist and that summary suspension or revocation is necessary to prevent a clear, substantial and imminent hazard to life, safety, or property.

B. Suspension Standards.

1. The Director may suspend any license issued under this Chapter for three (3) or more Class B violations occurring during a twelve (12) month period. The Director may suspend any for-hire driver found to have committed three (3) or more traffic violations during a two (2) year period. All suspensions issued under this subsection shall extend for one (1) month, or until expiration of the license, whichever occurs first.

2. The Director may suspend any license issued under this chapter upon a violation of any provision that indicates suspension as a penalty in parentheses after the provision. All suspensions, other than summary suspensions, issued under this subsection shall extend until the violation is cured, or for the specified number of days in parentheses following the requirement.

C. Revocation Standards.

1. Any License. The Director shall revoke a license issued under this chapter if the Director determines that:

a. The licensee has violated any of the provisions of this chapter that indicate a revocation as a penalty in parentheses after the provision;

b. The license application contained a material misstatement or omission;

c. The licensee fails to pay a monetary penalty imposed under this chapter within thirty (30) days after an unappealed notice of violation or final decision or order imposing such monetary penalty is issued.

2. Taxicab Associations.

a. The Director shall revoke a taxicab association license if during the license period the taxicab association, or any owner, officer, director, managing partner, general partner or principal of the taxicab association,

6.310.610 BUSINESS REGULATIONS

receives a bail forfeiture, conviction or other final adverse finding for crimes of fraud, theft, larceny, extortion, embezzlement, racketeering, Uniform Controlled Substances Act, prostitution, alcohol and/or narcotics where the commission of such crimes involved or used a taxicab association, taxicab, for-hire vehicle or limousine. If an owner, officer, director, managing partner, general partner or principal of the taxicab association found in violation of this subsection is (i) removed immediately from all operational or management duties or authority and (ii) is divested of all ownership in the taxicab association as soon as possible, the license may be reinstated.

b. The Director may revoke a taxicab association license if during the license period the taxicab association, or any owner, officer, director, managing partner, general partner or principal of the taxicab association, receives a bail forfeiture, conviction or other final adverse finding involving crimes directly related to the applicant's ability to operate a taxicab association, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion. If an owner, officer, director, managing partner, general partner or principal of the taxicab association found in violation of this subsection is (i) removed immediately from all operational or management duties or authority and (ii) is divested of all ownership in the taxicab association as soon as possible, the license may be reinstated.

3. Taxicab and For-hire Vehicle Licenses.

a. The Director shall revoke a taxicab or for-hire vehicle owner license if:

i. The licensee, or any officer, director, general partner, managing partner or principal of the licensee, has had a conviction, bail forfeiture or final adverse finding of criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery or violation of the Uniform Controlled Substances Act, where the crime is associated with operating a taxicab or for-hire vehicle;

ii. The licensee has had the license suspended twice within a one (1) year period for lack of a current, valid insurance policy;

iii. The licensee's State of Washington for-hire certificate has been revoked; or

iv. The licensee is not affiliated with a taxicab association licensed under this chapter.

b. The Director may revoke a taxicab or for-hire vehicle license if:

i. The licensee, or any officer, director, general partner, managing partner or principal of the licensee, receives a bail forfeiture or conviction involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion; or

ii. The licensee commits three (3) or more Class B violations within one (1) year.

4. For-hire Driver's Licenses.

a. The Director shall revoke a for-hire driver's license if:

i. The for-hire driver receives a bail forfeiture, conviction, or other final adverse finding for crimes pertaining to hit-and-run, or for crimes pertaining to driving under the influence of alcohol or controlled substances while operating a taxicab or for-hire vehicle;

ii. The for-hire driver's Washington State driver's license expires or is revoked; or

iii. The for-hire driver has committed one (1) Class C violations in any one (1) year period.

b. The Director may revoke a for-hire driver's license if:

i. The for-hire driver is found to be in possession of illegal drugs or an open container of alcohol while in control of or while operating any taxicab or for-hire vehicle; or

ii. The for-hire driver has received a conviction, bail forfeiture, or other final adverse finding involving crimes pertaining to prostitution, gambling, physical violence, Uniform Controlled

Substances Act, fraud, theft, robbery, larceny, burglary, extortion and/or crimes directly related to the driver's ability to operate a taxicab.

D. Effect of Notice of Suspension or Revocation.

1. Summary Suspension or Revocation. Whenever any license is summarily suspended or revoked the suspension or revocation is effective upon issuance of the notice. Such notice may be appealed pursuant to the procedures of Section 6.310.635. If a timely appeal is not filed by the licensee, the notice of summary suspension or revocation shall be final. Such summary suspension shall extend until any administrative or judicial appeal is finally concluded in the licensee's favor, until the license expires, or until evidence satisfactory to the Director is produced showing that the violation is cured, whichever occurs first. Summary revocations shall extend until the end of the annual license period or until any administrative or judicial appeal is finally concluded in the licensee's favor, whichever occurs first.

2. Suspension or Revocation. If the licensee does not file a timely appeal pursuant to Section 6.310.635, the notice of suspension or revocation shall be final. Suspensions or revocations become effective upon the date any notice of suspension or revocation or order on appeal affirming such notice becomes final. Unless a time period is specified in a particular section of the ordinance codified in this chapter, suspensions shall extend until the license expires or until evidence satisfactory to the Director is produced showing that the violation is cured, whichever occurs first. Revocations shall extend until the end of the annual license period.

3. Except in the case of a summary suspension or revocation as provided in subsection D1 above, whenever a timely appeal is filed pursuant to Section 6.310.635, a licensee may continue to engage in the activity for which the license is required pending a final decision on appeal.

(Ord. 118341 § 2(part), 1996.)

6.310.635 Notice and hearing for denials, violations, suspensions and revocations.

A. For each violation, and for each denial, suspension or revocation, the Director shall give written notice to the affected licensee. If the affected licensee is a taxicab driver, the Director

shall at the same time give written notice of violations to the taxicab owner and the taxicab association. If the affected licensee is a taxicab owner, the Director shall at the same time give written notice of violations to the taxicab association. All notices directed to a taxicab driver or taxicab owner may be served by personal delivery to, or by first-class mail addressed to, the taxicab association.

B. Any notice of denial, violation, suspension or revocation shall state that the driver, owner and/or taxicab association is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the violation. Upon written request filed within ten (10) days after the date of the notice of denial, violation, suspension or revocation, the Director shall set a hearing date and time to be held as soon as possible and not more than fourteen (14) days from the date of the request.

C. The hearing shall be held by the Director or the Director's designee, provided that the designee may not be a person who directly supervises the inspector who issued the notice of denial, violation, suspension or revocation.

D. The hearing shall be informal, but shall be recorded by electronic means provided by the Director. Within twenty (20) days of the hearing, the Director shall issue a written ruling including factual findings and the Director's conclusion,

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with supporting reasons, affirming, modifying or reversing the notice. The decision shall be mailed by first class mail to each affected licensee at the address listed on the application; or in any supplemental materials. However, if the licensee is a taxicab owner or taxicab driver, the decision shall be mailed by first class mail to the licensee at the address of the taxicab association.

E. The decision of the Director is final if a monetary penalty only is imposed or if no timely appeal is filed pursuant to subsection F.

F. If the Director's decision imposes or affirms a denial, suspension or revocation, any affected licensee may appeal the entire decision to the Hearing Examiner by filing a notice of appeal with the Hearing Examiner within ten (10) days after the date of mailing of the decision.

G. If a timely notice of appeal is filed pursuant to subsection F above, a hearing shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner rules for contested cases. At the Hearing Examiner hearing, the Department shall have the burden of proving by a preponderance of the evidence that the alleged violation occurred.

H. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.
(Ord. 118341 § 2(part), 1996.)

VII. Miscellaneous

6.310.700 Consumer complaint hotline.

The Director may establish, in conjunction with King County and the Port of Seattle, a shared consumer complaint telephone number and complaint process.
(Ord. 118341 § 2(part), 1996.)

6.310.710 Passenger complaint process.

A. Upon receiving a written complaint involving the conduct of the for-hire driver, the route of transportation, the rate charged for the transportation, passenger injury or property damage not arising from a vehicle accident, or other incident, the Director shall:

1. Issue a notice of complaint to the for-hire driver and vehicle owner, and company, if applicable, advising such person of the allegation(s) made in the complaint;

2. Require the for-hire driver, vehicle owner, and the taxicab association if applicable, to respond, in writing, to the allegation(s) in the no-

tice of complaint within ten (10) days of receipt of the notice of complaint;

3. Investigate the allegation(s) in the written complaint and the response submitted by the for-hire driver, vehicle owner, and taxicab association, if applicable; and

4. Make a finding as to the validity of the allegation(s) in the written complaint. If it is found to be a valid complaint the director shall issue a notice of violation pursuant to SMC Section 6.310.635.

B. Failure to respond in writing within ten (10) days to a Notice of Complaint shall constitute a waiver of the for-hire driver's, vehicle owner's, and association's, if applicable, right to contest the allegation(s) in the written complaint and shall be conclusive evidence that the allegation(s) are valid.

C. Failure to comply with any Notice and Order issued as a result of the above process is a Class B violation.

(Ord. 118341 § 2(part), 1996.)

6.310.720Renewal of license, registration or permit—Late penalty.

A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten (10) working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such late penalty is fixed in SMC Section 6.310.150.

(Ord. 118341 § 2(part), 1996.)

6.310.730Plates, tags, etc., property of City.

All taxicab or for-hire vehicle license plates, year decals shall remain the property of the City.

(Ord. 118341 § 2(part), 1996.)

Chapter 6.315

HORSE-DRAWN CARRIAGES, HORSES AND DRIVERS¹

Sections:

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6.315.010Purpose.

6.315.020Definitions.

6.315.030Scope of chapter.

6.315.040Licenses required.

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6.315.060Fees.

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6.315.100For-hire horse-drawn carriage license application.

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6.315.120Insurance.

6.315.130For-hire horse-drawn carriage—Operating requirements and responsibilities.

Subchapter III Carriage Horse License—Requirements and Regulations

6.315.200Carriage horse license—Application.

6.315.210Carriage horse—Standards for license denial.

6.315.220Carriage horse—Operating requirements and responsibilities.

For current SMC, contact the Office of the City Clerk

6.310.700 BUSINESS REGULATIONS

Subchapter IV For-hire Horse-drawn Carriage Driver—Licensing and Requirements

6.315.300 For-hire horse-drawn carriage driver license—Application.

6.315.310 Horse-drawn carriage driver license—Standards for license denial.

6.315.320 For-hire horse-drawn carriage driver—Operating requirements and responsibilities.

Subchapter V Enforcement

6.315.400 Penalties.

6.315.410 License suspension and revocation.

6.315.430 Administrative appeals process.

1. Editor's Note: The fees for all licenses issued under this chapter prior to March 31, 1997 shall be at the one (1) year license rate and the license shall expire on March 31, 1998. All persons or entities required to have a license under this chapter shall have thirty (30) days after the effective date of the ordinance codified in this chapter in which to obtain such license.

Subchapter I General Provisions

6.315.010 Purpose.

The ordinance codified in this chapter is an exercise of the power of the City to license for-hire horse-drawn carriages, for-hire horse-drawn carriage drivers and carriage horses used to draw for-hire horse-drawn carriages, all for revenue and regulation. (Ord. 118443 § 1(part), 1996.)

6.315.020 Definitions.

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

A. "City" means The City of Seattle.

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

C. "Department" means the Executive Services Department of The City of Seattle, or any

department that succeeds to the Executive Services Department's duties under this chapter.

D. "Director" means the director of the Executive Services Department or any successor department or the director's authorized designee.

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

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

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

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

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

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

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

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

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

N. "Veterinarian" means a practicing veterinarian licensed by The State of Washington. (Ord. 118443 § 1(part), 1996.)

6.315.030 Scope of chapter.

A. This chapter applies to all for-hire horse-drawn carriages, all for-hire horse-drawn carriage drivers and all carriage horses used for drawing for-hire horse-drawn carriages within The City of Seattle.

B. Nothing in this chapter affects the right of the City to impose or collect other applicable fees, charges or penalties or take other appropriate action to remedy a violation of other ordinances or laws.

C. Each provision in this chapter, the violation of which is subject to a penalty or suspension or both, has the class of penalty or suspension listed in parenthesis at the end of the provision. The amount of the penalty to be imposed for each class of violation is listed in Section 6.315.400 of this chapter.

(Ord. 118443 § 1(part), 1996.)

6.315.040 Licenses required.

A. Except as provided in subsection B, it is unlawful:

1. To drive or otherwise operate within The City of Seattle any for-hire horse-drawn carriage unless a license has been issued and has not expired, been suspended or revoked under this chapter for:

- a. The for-hire horse-drawn carriage,
- b. The horse used in drawing the for-hire horse-drawn carriage, and
- c. The for-hire horse-drawn carriage driver;

2. To fail to surrender the license to the Director within twenty-four (24) hours after receipt of notice of suspension or revocation of license issued under this chapter;

3. To use any animal other than a horse to operate a for-hire horse-drawn carriage.

B. No license issued pursuant to this chapter shall be required of a person who is operating a horse-drawn carriage as an entry in a parade or in order to provide temporary free entertainment.

C. Operating or driving a for-hire horse-drawn carriage is a privilege, not a right. Neither the submission of a complete application nor the ability to satisfy stated criteria for a license create a right to a license.

(Ord. 118443 § 1(part), 1996.)

6.315.050 License-expiration, transfer, issuance, rule-making.

A. All licenses issued pursuant to this chapter expire annually on March 31st.

B. No license issued under this chapter is transferable.

C. No license may be issued unless all outstanding penalties assessed against the licensee are paid in full to the Department.

D. The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02 to carry out or interpret the provisions of this chapter. All licensees shall comply with all such rules; violation of such a rule other than the insurance rules promulgated pursuant to Section 6.315.120 shall be a Class A violation if it is a nonsafety rule and a Class B violation if it is a safety rule.

(Ord. 118443 § 1(part), 1996.)

6.315.060 Fees.

A. Annual license fees:

- 1. Horse — Sixty Dollars (\$60).
- 2. Horse-drawn carriage — Sixty Dollars (\$60).
- 3. Horse-drawn carriage driver — Twenty Dollars (\$20).

B. Other fees:

1. Reinspection and/or reinstatement fee for a license that has been suspended — Thirty Dollars (\$30).

2. Replacement fee for a lost, damaged or destroyed horse-drawn carriage license plate — Ten Dollars (\$10).

3. Replacement fee for a horse-drawn carriage driver's or a carriage horse license — Five Dollars (\$5).

C. No fees shall be prorated, except that an applicant for a carriage horse license to be issued after September 30th of each year will be charged half the annual rate.

(Ord. 118443 § 1(part), 1996.)

6.315.070 Licensee responsibilities—General.

A. A licensee shall permit the Director to inspect a for-hire horse-drawn carriage or carriage horse without prior notice, upon request (Suspension and Class B).

B. A licensee must inform the Director in writing within seven (7) days if any of the information provided in the license application submitted pursuant to this chapter ceases to be true or is superseded in any way by new information (Class A).

(Ord. 118443 § 1(part), 1996.)

Subchapter II For-hire Horse-drawn Carriages—Requirements and Regulations

6.315.100 For-hire horse-drawn carriage license application.

A. Application for a for-hire horse-drawn carriage license shall be made in writing, signed by the applicant or, if the applicant is a partnership, corporation or other legal entity, by its duly authorized agent, upon forms provided by the Director.

B. A for-hire horse-drawn carriage license application shall include the following information:

1. Applicant Identification.

a. If the applicant is an individual, the applicant's full name, home address, home and business telephone number(s), and date of birth (which shall be at least eighteen (18) years prior to the date of application),

b. If the applicant is a partnership, corporation or other legal entity, the name, business address and telephone number of the entity; the names, home addresses, telephone number(s) and date of birth (which must be at least eighteen (18) years before the date of application) of the entity's officers, directors, general and managing partners, and registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, state of incorporation or partnership registration (if any), and State of Washington business license number, and any other information that the Director may require by rule;

2. For-hire horse-drawn carriage information, including the name of the manufacturer, model, and seating capacity of the carriage for which a license is sought, and any other information required by the Director by rule;

3. Certification signed under penalty of perjury under the laws of The State of Washington by the applicant, or if the applicant is a partnership, corporation or other legal entity, by an officer, director, general partner, managing partner or principal of the applicant, listing:

a. All crimes, if any, of which the applicant or if the applicant is a partnership, corporation or other legal entity, any person listed in subsection B1b has been convicted within the three (3) years previous to the date of application, and if any, the date(s) and type of conviction,

b. The date(s) of and reason(s) for the denial, suspension or revocation of any license authorized to be issued under this chapter; and

4. Evidence that the applicant has made concurrent application for at least one (1) carriage horse license to be issued under this chapter. (Ord. 118443 § 1(part), 1996.)

6.315.110 For-hire horse-drawn carriage—License denial.

A. The Director shall deny a for-hire horse-drawn carriage license application if the Director determines that:

1. A complete application that meets the standards of Section 6.315.100 has not been submitted;

2. The application contains any material misstatement or omission;

3. If a prior for-hire horse-drawn carriage license was suspended and the suspension has not been terminated or the reasons for the suspension cured;

4. Within one (1) year prior to the date of application, the applicant had its City of Seattle for-hire horse-drawn carriage license revoked and not reinstated; and

5. Within three (3) years of the date of application, the applicant, or if the applicant is a partnership, corporation or other legal entity, any of the persons listed in subsection B1b, has had a bail forfeiture, conviction or other adverse finding for a crime if such crime involved a for-hire horse-drawn carriage, other for-hire business, or animal cruelty.

B. The Director may deny any for-hire horse-drawn carriage license application if the Director determines that:

1. Within two (2) years prior to the date of application, the applicant, or if the applicant is a partnership, corporation or other legal entity, any of the persons listed in subsection B1b, exhibited past conduct in operating a for-hire horse-drawn carriage which would lead the Director to reasonably conclude that the applicant will not comply with the provisions of this chapter related to for-hire horse-drawn carriage operating requirements and the safe operation of a for-hire horse-drawn carriage;

2. Within two (2) years prior to the date of application and after the effective date of this chapter, the applicant, or if the applicant is a partnership, corporation or other legal entity, any of the persons listed in subsection B1b permitted a

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for-hire horse-drawn carriage to operate within The City of Seattle without a current, valid horse-drawn carriage license issued from The City of Seattle under this chapter; or

3. Within three (3) years of the date of application, the applicant, or if the applicant is a partnership, corporation or other legal entity, any of the persons listed in subsection B1b, has had a bail forfeiture, conviction or other adverse finding for a crime that would jeopardize the safety of a passenger or the public, including but not limited to fraud, theft, prostitution, alcohol and/or narcotics.

C. The Director shall deny a license by written notice indicating the reason for denial. Such notice shall be delivered either personally or by first class mail to the applicant at the address provided by the applicant on the license application.

(Ord. 118443 § 1(part), 1996.)

6.315.120Insurance.

A. The licensee of a for-hire horse-drawn carriage shall obtain and file with the Director and the City's Risk Manager, within ten (10) calendar days of issuance of a license, evidence of a policy or policies of insurance as required by rule promulgated by the Director and adopted pursuant to Chapter 3.02 of the Seattle Municipal Code. The licensee shall continuously maintain said insurance at the licensee's expense.

B. All such policies shall be subject to approval by the City's Risk Manager as to company (must be rated A-:VII or higher in the A.M. Best's Key Rating Guide and licensed to do business in The State of Washington or issued as a surplus line by a Washington surplus lines broker), form and coverage, and shall be primary to all other insurance.

(Ord. 118443 § 1(part), 1996.)

6.315.130For-hire horse-drawn carriage—Operating requirements and responsibilities.

No for-hire horse-drawn carriage licensed by the City may lawfully operate within The City of Seattle unless the following minimum requirements are met:

A. The for-hire horse-drawn carriage has insurance as required in Section 6.315.120, provided that evidence of a new policy including the

for-hire horse-drawn carriage must be filed with the Director and approved by the City's Risk Manager before the horse-drawn carriage is canceled or deleted from any previous policy (Suspension and Class C);

B. The licensee shall daily inspect to insure that the for-hire horse-drawn carriage meets the following safety standards and any other safety standards that may be promulgated by the Director by rule:

1. No for-hire horse-drawn carriage may carry more passengers at one time, including the driver, than recommended by the carriage manufacturer (Class B),

2. No person may sit in the driver's compartment except the driver and/or a driver trainee (Class B),

3. Each for-hire horse-drawn carriage shall be clean (Class A),

4. Each for-hire horse-drawn carriage shall be mechanically sound, and not in such a state of disrepair as to jeopardize the safety of the passengers or the public (Suspension and Class B),

5. The for-hire horse-drawn carriage's harness, collar, and traces shall be clean, strongly constructed, of adequate fit, and in good repair, and the harness and traces shall be kept free of makeshift repairs or additions such as wire, sisal rope, and rusty chains (Suspension and Class B),

6. All for-hire horse-drawn carriages:

a. Must be equipped with lights that comply with the requirements of SMC Section 11.82.340 A (Suspension and Class B),

b. Shall display a reflective triangle on the rear of the horse-drawn carriage indicating that it is a slow moving vehicle, in compliance with SMC Section 11.82.340 B (Suspension and Class B),

c. Must be equipped with working brakes (Suspension and Class B), and

d. Shall comply with other applicable requirements of state and local law (Suspension and Class B for safety violations; Class A for nonsafety);

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August, 1997, code update file
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sections for complete text, graphics,
and tables and to confirm accuracy of
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C. The for-hire horse-drawn carriage is operated by a driver licensed under this chapter (Class B);

D. The for-hire horse-drawn carriage displays a current for-hire horse-drawn carriage license plate issued by the Director which includes the for-hire horse-drawn carriage license number and expiration date (Class B);

E. The licensee of a horse-drawn carriage notifies the Director in writing within seven (7) days of the occurrence of any of the following:

1. Any arrest, charge, or conviction of the horse-drawn carriage driver for any criminal offense or any traffic violation that occurs during, or arises out of, the driver's operation of a horse-drawn carriage (Class B),

2. Any accident required to be reported to The State of Washington involving any for-hire horse-drawn carriage (Class B);

F. The for-hire horse-drawn carriage licensee ensures that daily trip sheet records are completed as prescribed by the Director by rule, for each for-hire horse-drawn carriage licensed pursuant to this chapter (Class A); and

G. The for-hire horse-drawn carriage licensee keeps the daily trip sheets for a minimum of two (2) years (Class B).
(Ord. 118443 § 1(part), 1996.)

Subchapter III Carriage Horse License—Requirements and Regulations

6.315.200 Carriage horse license—Application.

A. Application for a carriage horse license shall be made in writing, signed by the applicant, or if such applicant is a partnership, corporation or other legal entity, by its duly authorized agent, upon forms provided by the Director. Applicants for a carriage horse license must be either applicants for or have a license issued for a for-hire horse-drawn carriage.

B. The carriage horse license application shall include the following information:

1. The name, business address and phone number of the applicant;

2. The name, breed, sex, age, weight, and the permanent form of identification of the horse;

3. The name, address and telephone number of the horse's veterinarian;

4. A certificate of health issued within the last three (3) months from a licensed veteri-

narian certifying that the horse sought to be licensed is fit to draw a horse-drawn carriage;

5. Proof of current vaccinations including but not limited to tetanus, rabies, equine influenza and Eastern/Western encephalomyelitis. Proof may be in the form of a health certificate from a veterinarian indicating the vaccinations administered; or if administered by someone other than a veterinarian in accordance with state or local law, by certificate signed under penalty of perjury by the person administering such vaccinations, indicating the vaccinations administered;

6. Photograph(s) showing identifying markings and/or the permanent form of identification of the horse sought to be licensed; and

7. A copy of the applicant's for-hire horse-drawn carriage license or application.
(Ord. 118443 § 1(part), 1996.)

6.315.210 Carriage horse—Standards for license denial.

A. The Director shall deny any carriage horse license application if the Director determines that:

1. A complete application that meets the standards of Section 6.315.200 has not been submitted;

2. The application contains any material misstatement or omission;

3. If a prior carriage horse license was suspended and the suspension has not been terminated or the reasons for the suspension cured;

4. Within one (1) year prior to the date of application, the applicant had its City of Seattle for-hire carriage horse license revoked and not reinstated; or

5. The applicant fails to obtain a for-hire horse-drawn carriage license or the for-hire horse-drawn carriage license application is denied.

B. The Director shall deny a license by written notice indicating the reason for denial. Such notice shall be delivered either personally or by first class mail to the applicant at the address provided by the applicant on the license application.
(Ord. 118443 § 1(part), 1996.)

6.315.220 Carriage horse—Operating requirements and responsibilities.

No carriage horse licensed by the City may lawfully be used to draw a for-hire horse-drawn

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carriage within The City of Seattle unless the following minimum requirements are met:

A. Each carriage horse used for drawing a for-hire horse-drawn carriage shall be distinguishable by a permanent form of identification such as a brand, lip tattoo, microchip or any other easily identifiable permanent form of identification approved by the Director (Suspension and Class B).

B. A carriage horse used in drawing a for-hire horse-drawn carriage must:

1. Be appropriately shod on all four (4) feet and not have any loose shoes. Shoes which are designed to prevent slipping and absorb shock shall be utilized when working on paved surfaces. A horse that loses a shoe or is not appropriately shod shall be immediately taken out of service until such time the problem is cured (Suspension and Class B);

2. Not have any open wound, oozing sore, cut below skin level, bleeding wound or severe chafing (Suspension and Class B);

3. Have good flesh and adequate muscle tone, which the Director shall determine by use of the Henneke Scale or other appropriate method of equine evaluation (Suspension and Class B);

4. Not have any evidence of lameness, such as but not limited to irregular rhythm (Suspension and Class B);

5. Not work longer than ten (10) hours per day in any twenty-four (24) hour period nor more than five (5) consecutive days in any seven (7) day period (Class B);

6. Be properly cleaned and groomed with no caked dirt or mud and not have any offensive odor other than an odor normally associated with a horse that is clean, healthy and well groomed (Class A);

7. Not work in temperatures exceeding ninety (90) degrees Fahrenheit (Class B); and

8. Wear an equine diaper to contain all fecal droppings while drawing a for-hire horse-drawn carriage or walking the horse on public property (Class B).

C. Each carriage horse licensed under this chapter must have a veterinary examination at least semiannually, and evidence of such examination shall be made available to the Director upon request (Class B).

(Ord. 118443 § 1(part), 1996.)

a. All crimes, if any, of which the applicant has been convicted within the three (3)

Subchapter IV For-hire Horse-drawn Carriage Driver—Licensing and Requirements

6.315.300 For-hire horse-drawn carriage driver license—Application.

A. Applications for a for-hire horse-drawn carriage driver license shall be made in writing to the Director upon forms provided by the Director.

B. For-hire horse-drawn carriage driver license applications shall include the following information:

1. Full name, home and business addresses, and home and business telephone number(s) of the applicant;

2. Washington State driver's license number;

3. Date of birth (which shall be at least eighteen (18) years prior to the date of application), height, weight, color of eyes and hair;

4. Certificate signed by a for-hire horse-drawn carriage licensee certifying, under penalty of perjury under the laws of The State of Washington, that the applicant has successfully completed a one week training program in which the applicant has:

a. Ridden with a licensed for-hire horse-drawn carriage driver in a horse-drawn carriage for at least seven (7) six (6) hour days in the environment in which a for-hire horse-drawn carriage operates,

b. Knowledge of the requirements contained in this chapter of the Seattle Municipal Code and in any rules promulgated by the Director to implement this chapter,

c. Been trained in emergency procedures including but not limited to: remedying equipment malfunctions, handling unruly or uncontrollable horses and hostile passengers, onlookers or others, and responding to crowd situations, and

d. Become familiar with the word commands or other physical commands to which horses respond and to which they are trained; and

5. Certification signed under penalty of perjury under the laws of The State of Washington by the applicant, listing:

years previous to the date of application, and if any, the date and type of conviction,

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b. The date(s) of and reason(s) for the denial, suspension or revocation of any license issued under this chapter. (Ord. 118443 § 1(part), 1996.)

6.315.310Horse-drawn carriage driver license—Standards for license denial.

A. The Director shall deny a for-hire horse-drawn carriage driver's license application if the Director determines that:

1. A complete application that meets the standards of Section 6.315.300 has not been submitted;
2. The application contains any material misstatement or omission;
3. If a prior for-hire horse-drawn carriage driver's license was suspended and the suspension has not been terminated or the reasons for the suspension cured;
4. Within one (1) year prior to the date of application, the applicant had a license issued under this chapter revoked and not reinstated; or
5. Within three (3) years of the date of application, the applicant has had a bail forfeiture, conviction or other adverse finding for a crime if such crime involved a for-hire horse-drawn carriage, other for-hire business, or animal cruelty.

B. The Director may deny any for-hire horse-drawn carriage driver's license application if the Director determines that:

1. Within two (2) years prior to the date of application, the applicant exhibited past conduct in driving or operating a for-hire horse-drawn carriage which would lead the Director to reasonably conclude that the applicant will not comply with the provisions of this chapter related to operating requirements for for-hire horse-drawn carriages, carriage horses or for-hire horse-drawn carriage drivers, and the safe operation of a for-hire horse-drawn carriage;
2. Within two (2) years prior to the date of application and after the effective date of this chapter, the applicant operated or permitted a for-hire horse-drawn carriage to operate within The City of Seattle without a current, valid horse-drawn carriage license issued under this chapter; or
3. Within three (3) years of the date of application, the applicant has had a bail forfeiture, conviction or other adverse finding for a crime that would jeopardize the safety of a passenger or

the public, including but not limited to a crime involving driving or vehicular safety, fraud, theft, prostitution, alcohol and/or narcotics.

C. The Director shall deny a license by written notice indicating the reason for denial. Such notice shall be delivered either personally or by first class mail to the applicant at the address provided by the applicant on the license application.

(Ord. 118443 § 1(part), 1996.)

6.315.320For-hire horse-drawn carriage driver—Operating requirements and responsibilities.

No horse-drawn carriage driver licensed by the City may operate a for-hire horse-drawn carriage within The City of Seattle unless the following minimum requirements and responsibilities are met:

- A. A horse-drawn carriage driver inspects the for-hire horse-drawn carriage at least once daily before starting each shift to ensure that the for-hire horse-drawn carriage equipment is working properly and shall indicate on the trip sheet required to be maintained by subsection F of this section the time of such inspection (Class B);
- B. The horse-drawn carriage meets the vehicle operating requirements set forth in this chapter or in rules promulgated by the Director pursuant to this chapter (Class B);
- C. A horse-drawn carriage driver controls the pace of the horse to a walk or a speed never faster than a slow trot so as to maintain a speed that is safe for the horse, driver and passengers (Class B);
- D. Each horse-drawn carriage driver has in the driver's possession a for-hire horse-drawn carriage driver's license and displays the license and photograph in a prominent location available for view by passengers upon entering a for-hire horse-drawn carriage (Class A);
- E. Each horse-drawn carriage driver provides the carriage horse access to and opportunity to drink potable drinking water at least once per hour during each ten (10) hour work day (Class B);
- F. A horse-drawn carriage driver maintains a daily trip sheet indicating the date, time, origination and destination of all fares, number of passengers, and the amount of the fare collected; and the time and location of each watering of the horse (Class A);

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G. A horse-drawn carriage driver, upon request of the Director, a passenger, or a police officer, allows the horse-drawn carriage driver's license and/or Washington State driver's license to be inspected (Class B, Class A if request was by passenger);

H. A horse-drawn carriage driver shall not leave the horse unattended (Suspension and Class B);

I. A horse-drawn carriage driver shall not use or be under the influence of alcohol or illegal drugs while operating a for-hire horse-drawn carriage (Suspension and Class B);

J. A horse-drawn carriage driver notifies the Director in writing within seven (7) days of the occurrence of any of the following:

1. Any arrest, charge, or conviction of the horse-drawn carriage driver for any criminal offense or any traffic violation that occurs during, or arises out of, the driver's operation of a horse-drawn carriage (Class B),

2. Any accident required to be reported to The State of Washington involving any horse-drawn carriage operated for-hire by the horse-drawn carriage driver or involving the for-hire horse-drawn carriage (Class B);

K. A driver wears suitable clothes that are neat and clean. The term "neat and clean" as it relates to clothes means that all clothing is clean, free from soil, grease and dirt and without unrepaired rips or tears (Class A);

L. A driver is well groomed at all times while on duty. The term "well groomed" refers to that state of personal hygiene, body cleanliness and absence of offensive odor normally associated with bathing or showering on a regular basis, and means that hair, beards and mustaches are groomed, combed or brushed (Class A); and

M. A driver is able to provide a reasonable and prudent amount of change, and if correct change is not available, no additional charge is made to the passenger in attempting to secure the change (Class A).

(Ord. 118443 § 1(part), 1996.)

Subchapter V Enforcement

6.315.400 Penalties.

A. Violations of Section 6.315.040 A shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment.

B. For each violation of a provision in this chapter that has a class referenced in parenthesis after the provision, a civil penalty in the following amount shall be imposed by and paid to the Department for each violation:

1. Class A — Fifty Dollars (\$50) for the first violation; One Hundred Dollars (\$100) for each subsequent violation within a twenty-four (24) month period;

2. Class B — One Hundred Dollars (\$100) for the first violation; One Hundred Fifty Dollars (\$150) for each subsequent violation within a twenty-four (24) month period;

3. Class C — Three Hundred Dollars (\$300).

C. For each violation other than a violation of Section 6.315.040 A, the Director shall give written notice of the violation to the licensee indicating the violation and the monetary penalty imposed. Such notice shall be delivered either personally or by first class mail addressed to the licensee at the address provided by the licensee on the license application or provided as new information pursuant to the requirements of Section 6.315.070.

(Ord. 118443 § 1(part), 1996.)

6.315.410 License suspension and revocation.

A. Summary Suspension or Revocation. Notwithstanding any other provision of this chapter, a license issued under this chapter may be summarily suspended prior to any hearing for failure to have the insurance coverage required by Section 6.315.120 and may be summarily suspended or revoked prior to any hearing by notice of the Director upon a determination that there is reasonable cause to believe that grounds for license suspension or revocation exist and that summary suspension or revocation is necessary to prevent a clear, substantial and imminent hazard to life, safety, or property.

B. Suspension Standards.

1. The Director may suspend any license issued under this chapter for violation of any of the provisions of this chapter that indicate a suspension as a penalty in parenthesis after the provision and pursuant to subsection C2 below.

2. Three or more Class B penalties imposed during a twenty-four (24) month period will, in addition to monetary penalties, result in suspension of a license for two (2) months.

C. Revocation Standards.

1. Any License. The Director shall revoke a license issued under this chapter if the Director determines that:

a. The license application contained a material misstatement or omission;

b. During the annual license period the licensee has a conviction, bail forfeiture or other adverse finding of animal cruelty under the laws of any state or governmental subdivision thereof;

c. During the annual license period the licensee has a conviction, bail forfeiture or other adverse finding for violating any provision of Section 6.315.040 A;

d. The licensee fails to pay a monetary penalty imposed under this chapter within thirty (30) days after an unappealed notice of violation or final decision or order imposing such monetary penalty is issued.

2. Horse-drawn Carriage Licenses.

a. The Director shall revoke a horse-drawn carriage license if the licensee, or if the licensee is a partnership, corporation or other legal entity, if any of the persons listed in Section 6.315.100 B1b has:

i. Had a bail forfeiture, conviction or other adverse finding during the annual license period for a crime that would be grounds for denial under Section 6.315.110 A5, or

ii. Within the previous twenty-four (24) month period had two (2) violations of Section 6.315.120;

b. The Director may revoke a for-hire horse-drawn carriage license if the licensee, or if the licensee is a partnership, corporation or other legal entity, if any of the persons listed in Section 6.315.100 B1b has had a bail forfeiture, conviction or other adverse finding during the annual license period for a crime that would jeopardize the safety of a passenger or the

public, including but not limited to fraud, theft, prostitution, and/or narcotics.

3. Horse-drawn Carriage Driver's License. The Director shall revoke a for-hire horse-drawn carriage driver's license if, during the annual license period:

a. The horse-drawn carriage driver's Washington State driver's license has been revoked; or

b. The horse-drawn carriage driver has had a bail forfeiture, conviction or other adverse finding for a crime that would be grounds for denial under Section 6.315.310 A5.

D. Notice of Suspension or Revocation.

1. Suspension. The Director shall suspend a license issued under this chapter by written notice of suspension (or summary suspension), indicating the reason for suspension and the appropriate action(s) necessary to remedy the violation and terminate the suspension. Such notice shall be delivered either personally or by first class mail to the licensee at the address provided by the licensee on the license application or provided as new information pursuant to the requirements of Section 6.315.070.

2. Revocation. The Director shall revoke a license by written notice of revocation indicating the reason for revocation. Such notice shall be delivered either personally or by first class mail to the licensee at the address provided by the licensee on the license application or provided as new information pursuant to the requirements of Section 6.315.070.

E. Effect of Notice of Suspension or Revocation.

1. Summary Suspension or Revocation. Whenever any license is summarily suspended or revoked the suspension or revocation is effective upon issuance of the notice. Such notice may be appealed pursuant to the procedures of Section 6.315.430. If a timely appeal is not filed by the licensee, the notice of summary suspension or revocation shall be final. A summary suspension shall extend until any administrative or judicial appeal is finally concluded in the licensee's favor, or until evidence satisfactory to the Director is produced showing that the violation is cured, whichever occurs first. Summary revocations shall extend until the end of the annual license period or until any administrative or judicial appeal is finally concluded in the licensee's favor, whichever occurs first.

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2. Suspension or Revocation. If a timely appeal is not filed by the licensee pursuant to Section 6.315.430, the notice of suspension or revocation shall be final. Suspensions or revocations become effective upon the date any notice of suspension or revocation or order on appeal affirming such notice becomes final. Suspensions shall extend until evidence satisfactory to the Director is produced showing that the violation is cured or, if the violation provides for a specific period of suspension for the specific period of time listed. Revocations shall extend until the end of the annual license period.

3. Except in the case of a summary suspension or revocation as provided in subsection E1 above, whenever a timely appeal is filed pursuant to Section 6.315.430, a licensee may continue to engage in the activity for which the license is required pending a final decision on appeal.

(Ord. 118443 § 1(part), 1996.)

6.315.430 Administrative appeals process.

A. Any notice of denial, violation, suspension or revocation shall state that the licensee is entitled to a Director's hearing upon written request, to respond and provide information to refute or mitigate the violation. Upon written request filed within ten (10) days after the date of the notice of denial, violation, suspension or revocation, the Director shall set a hearing date and time to be held as soon as possible and not more than fourteen (14) days from the date of the notice.

B. The hearing shall be held by the Director or the Director's designee.

C. Within ten (10) days of the hearing, the Director shall issue a written decision including factual findings and the Director's conclusion, with supporting reasons, affirming, modifying or reversing the notice. The decision shall be mailed by first class mail to the address of the licensee listed on the application or provided as new information pursuant to the requirements of Section 6.315.070.

D. The decision of the Director is final if only a monetary penalty is imposed or if no timely appeal is filed pursuant to subsection E for those decisions subject to further appeal.

E. If the Director's decision imposes or affirms a denial, suspension or revocation, a licensee may appeal the decision to the Hearing Examiner by filing a notice of appeal with the Hearing

Examiner within fifteen (15) days after the date of the decision.

F. If a timely notice of appeal is filed, a hearing shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner rules for contested cases.

G. The Hearing Examiner may affirm, modify or reverse the decision of the Director.
(Ord. 118443 § 1(part), 1996.)

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HORSE-DRAWN CARRIAGES, HORSES AND DRIVERS 6.315.410

**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

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	1.156.....	6.202.410	1.158.....	6.202.420
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	1.180.....	6.202.470	1.200.....	6.202.480
	1.220.....	6.202.490	1.300.....	Severability footnote
	1.400.....	6.202.500	4.020.....	6.208.010
1.....	6.202.010	4.024.....	4.030.....	6.200.020
1.000.....	6.202.020	4.030.....	4.140.....	6.200.030
1.010.....	6.202.030	4.140.....	4.200.....	6.200.040
1.012.....	6.202.040	4.200.....	4.210.....	6.200.050
1.015.....	6.202.050	4.210.....	4.220.....	6.200.060
1.020.....	6.202.060	4.220.....	4.240.....	6.200.070
1.030.....	6.202.070	4.240.....	5.020.....	6.200.080
1.040.....	6.202.080	5.020.....		Rx 111441
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1.060.....	6.202.100	5.030.....		Rx 111441
1.062.....	6.202.110	5.035.....		Rx 111441
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1.104.....	6.202.290	6.220.....		6.212.110
1.106.....	6.202.300	6.230.....		6.212.120
1.108.....	6.202.310	6.240.....		6.212.130
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1.112.....	6.202.330	6.250.....		6.212.150
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Seattle Municipal Code
August, 1997, code update file
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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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6.315.410 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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