

Title 6

BUSINESS REGULATIONS

This title is intended for those provisions of the Code which relate to the licensing and regulation of certain business operations within the City.

Businesses in the City must also pay a business license tax. For provisions regarding the Business and Occupation Tax and the Utilities Business Tax, see Chapters 5.44 and 5.48 of this Code.

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Severability: Should any section, subsection, paragraph, sentence, clause or phrase of Subtitle I be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of Subtitle I.

(Ord. 89418, 1960: Ord. 48022 § 7, 1924.)

Cases: An ordinance providing for the licensing and regulation of pool and billiard halls was not unconstitutional even though it contained no provision for a hearing upon the denial of a license application. *State ex rel. Sayles v. Superior Court*, 120 Wn. 183, 206 P. 966 (1922).

An ordinance imposing a license tax on automatic devices for the sale of goods held unconstitutional for unreasonably discriminating against businesses which sell their goods by automatic device. *Seattle v. Dencker*, 58 Wn. 501, 108 P. 1086 (1910).

A municipal ordinance, regulating the operation of jukeboxes and limiting the number of operator's licenses available, was held to be a valid exercise of the police power. *Ragan v. Seattle*, 58 Wn.2d 779, 364 P.2d 916 (1961).

An ordinance limiting hours during which barbershops could be kept open was not invalid for not requiring beauty parlors to keep the same hours. *McDermott v. City of Seattle*, 4 F. Supp. 855 (1933).

An ordinance providing that a theater license may not be granted to any person who has been convicted of a crime "involving moral turpitude" within five (5) years of the date of application is an impermissible prior restraint and is unconstitutional. *Seattle v. Bittner*, 81 Wn.2d 747, 505 P.2d 126 (1973).

A noncriminal procedure which resulted in prior restraint of allegedly obscene films was held unconstitutional because: (1) it permitted the threat of license revocation to be used in enforcing a censor's administrative determinations, (2) it did not specify a time period in which the censor must make a decision, and (3) it failed to provide for prompt judicial review. *Fine Arts Guild v. Seattle*, 74 Wn. 2d 503, 445 P.2d 602 (1968).

A manufacturer residing outside the state who contracted with wholesalers to distribute advertising matter within the City held subject to a Seattle ordinance licensing distributors of advertising matter. *Jell-O Co. v. Landes*, 20 F.2d 120 (1927).

An ordinance providing that the City Council may, at any time, at its discretion, revoke any license issued under the provisions of the

ordinance, is unconstitutionally void as authorizing deprivation of property without due process of law and authorizing arbitrary and discriminating action. *Vincent v. Seattle*, 115 Wn. 475, 197 P.618 (1921).
 An ordinance prohibiting dancehalls within certain areas, except those which were in lawful operation at the time the ordinance went into effect and except when conducted under the jurisdiction of certain named boards, is not objectionable as discriminatory. *Manos v. Seattle*, 146 Wn. 210, 262 P. 965 (1927).

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Subtitle I

License Code

Chapter 6.02

GENERAL PROVISIONS¹

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- 6.02.030 Definitions.
- 6.02.040 Administration and enforcement.
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- Seattle Municipal Code
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 - 6.02.270 Denial, revocation or suspension of license--Generally.
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 - 6.02.300 License plates for peddlers, vehicles and junk wagons.
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 - 6.02.320 Licenses not to be issued for fractional part of a day, week, month or year.
 - 6.02.330 Refund of license fee.

1. Cross-reference: For general provisions applicable to the new license code, see Chapter 6.202 of this Code.

6.02.010 Title.

This subtitle shall constitute "The License Code" of The City of Seattle, and may be cited as such. (Ord. 48022 § 1, 1924.)

6.02.020 Power to license for regulation and/or revenue.

This entire subtitle shall be deemed an exercise of the power of the State of Washington and of The City of Seattle to license for regulation and/or revenue and all its provisions shall be liberally construed for the accomplishment of either or both such purposes. The regulations set forth in this subtitle are enacted for the purpose of promoting the health and safety of Seattle's citizens and are not intended to regulate activities or enterprises creating no hazard to property, privacy, health, safety, or security on the sole ground that they may offend moral precepts.

(Ord. 112719 § 2, 1986: Ord. 69484 § 1, 1939: Ord. 48022 § 2, 1924.)

Cases: A City ordinance, which purported to be a police regulation, but set fees greatly exceeding the actual cost of inspection and enforcement, was held invalid as an attempt to impose a revenue tax under the guise of a police regulation. *Pearson v. Seattle*, 199 Wn. 217, 90 P.2d 1020 (1939).

6.02.030 Definitions.

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

- A. "Complainant" means any person who files a complaint in writing with the Department of

Executive Administration.

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

C. "Director" means the Executive Administration of The City of Seattle and shall include the Director's authorized representatives.

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

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

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

(Ord. 120794 § 147, 2002; Ord. 120181 § 100, 2000; Ord. 118397 § 88, 1996; Ord. 117169 § 60, 1994; Ord. 105430 § 1, 1976; Ord. 102636 § 1, 1973; Ord. 48022 § 3, 1924.)

6.02.040 Administration and enforcement.

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

B. The Director in the discharge of such powers and duties is authorized to inspect all relevant reports, books, records and premises of any licensee; provided that the results of any such inspection shall be confidential unless a hearing is requested under the provisions of this subtitle in connection with the license held by such licensee. It shall be his or her duty to furnish monthly to the Chief of Police and Chief of the Fire Department a list of licensees, including the name and address, character of license and date of expiration of the following classification of license holders: billiard and pool tables, public dance halls, cafe dances, cabarets, theaters and other places of amusement, pawnshops, secondhand dealers, junk shops, junk wagons and all for-hire vehicles. It shall be the duty of the Chief of Police concurrently with the Director, to enforce this subtitle.

(Ord. 120794 § 148, 2002; Ord. 117169 § 61, 1994; Ord. 102636 § 14, 1973; Ord. 97956 § 5, 1969; Ord. 65426, 1935; Ord. 53079, 1927; Ord. 48022 § 19, 1924.)

6.02.050 Establishment of rules and regulations.

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

(Ord. 120794 § 149, 2002; Ord. 117169 § 62, 1994; Ord. 107350 § 1, 1978; Ord. 102636 § 15, 1973; Ord. 48022 § 19.1, 1924.)

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

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6.02.060 Assistance in enforcement.

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of the Department of Public Health shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the Director of Executive Administration and to the Chief of Police and, if a violation of Chapter 6.230 is involved, to the Director of the Department of Construction and Land Use any violations of this subtitle coming to their attention. (Ord. 120794 § 150, 2002: Ord. 117169 § 63, 1994: Ord. 102636 § 16, 1973: Ord. 65426, 1935: Ord. 53079, 1927: Ord. 48022 § 20, 1924.)

6.02.070 Enforcement duties of Director and agents--Inspectors.

A. It is the duty of the Director and agents under the direction and supervision of the Director to assist in the enforcement of the provisions of the license laws of the City, including the apprehension and assistance in the prosecution of violators of the license laws of the City and the performance of such other duties as the Director may from time to time require to assist in the enforcement of the provisions of the license laws of the City, including the apprehension and assistance in the prosecution of violators of the license laws of the City. To insure compliance with the provisions of this subtitle, the Director and agents of the Director, who are commissioned as nonuniformed special police officers may issue citations and make arrests for violations of this subtitle; provided, that before making such arrests, such nonuniformed special police officers shall exhibit and display a suitable badge. Regular commissioned police officers may enforce the provisions of the license laws of the City, issue citations and make arrests for violations of this subtitle.

B. The above-named persons shall be authorized to enter and inspect premises where licensees are employed, or businesses, which are licensed under this subtitle, during the licensee's normal business hours, for the purpose of determining compliance with this subtitle.

C. The Director is authorized to procure an inspectional warrant if deemed necessary. (Ord. 108196 § 7, 1979: Ord. 102636 § 17, 1973: Ord. 65426, 1935: Ord. 53079, 1927: Ord. 48022 § 21, 1924.)

6.02.080 Hearing--Procedure.

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

B. Such hearing shall be open to the public and shall be conducted and a record kept thereof by the Hearing Examiner in accordance with Administrative Code¹ of the City.

C. In the conduct of such hearing the Hearing Examiner shall have authority to issue subpoenas for

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

D. Every interested party shall have the right to offer evidence, both directly and in rebuttal, and to cross-examine any witness who shall testify.
(Ord. 120794 § 151, 2002; Ord. 117169 § 64, 1994; Ord. 104202 § 4, 1975; Ord. 102636 § 18(part), 1973; Ord. 48022 § 21.1, 1924.)

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

6.02.090 Filing of findings of hearing.

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

(Ord. 120794 § 152, 2002; Ord. 117169 § 65, 1994; Ord. 116368 § 185, 1992; Ord. 104202 § 5, 1975; Ord. 102636 § 18(part), 1973; Ord. 48022 § 21.2, 1924.)

6.02.100 Disclaimer of City liability.

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

(Ord. 108196 § 5, 1979; Ord. 48022 § 21.3, 1924.)

6.02.110 Licenses to remain in force.

All licenses issued under the provisions of any ordinance hereby repealed shall remain in force and effect until the expiration thereof unless sooner surrendered or revoked, subject however, to all other requirements of this subtitle.

(Ord. 48022 § 4, 1924.)

6.02.120 Records to be filed with City Clerk and Director.

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

(Ord. 120794 § 153, 2002; Ord. 117169 § 66, 1994; Ord. 102636 § 2(part), 1973; Ord. 48022 § 4.1, 1924.)

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6.02.130 Computation of time.

In computing any period of time prescribed by this subtitle, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or legal holiday.
(Ord. 102636 § 2(part), 1973; Ord. 48022 § 4.2, 1924.)

6.02.140 Licenses not transferable.

No license issued under the provisions of this subtitle shall be transferable or assignable, unless specifically otherwise provided for; provided, that licenses may be transferred when an owner incorporates and retains one hundred percent (100%) ownership of stock or when a one hundred percent (100%) stockholder changes corporate form but retains one hundred percent (100%) ownership of stock.
(Ord. 108307 § 1, 1979; Ord. 48022 § 5, 1924.)

Cases: A City may not exact an additional license fee merely because a licensed corporation merges with another corporation continuing in the same business. *Diamond Parking v. Seattle*, 78 Wn.2d 778, 479 P.2d 47 (1971).

6.02.150 Change of ownership--Panoram location businesses.

The Director of Executive Administration may recognize a change of ownership of any business licensed for "panoram location" upon the filing by the new or prospective owner of applications in the manner and form prescribed, and payment of the applicable fee required for original applications for such licenses, and may in granting any such application include the condition that such new or prospective owner assume and pay any lawful indebtedness of the transferor or assignor due to the City in connection with such business.
(Ord. 120794 § 154, 2002; Ord. 117169 § 67, 1994; Ord. 102636 § 3, 1973; Ord. 97956 § 2, 1969; Ord. 86416, 1957; Ord. 48022 § 5-A, 1924.)

6.02.160 Licenses to be posted or carried.

All licenses issued pursuant to this subtitle authorizing the maintenance or conducting of any occupation, business, trade or entertainment at a specified location, shall be posted in a conspicuous place at such location; provided, however, that when the licensee has no established place of business and goes from place to place or from house to house, then such license must be carried on the person of such licensee while actually engaged in the licensed occupation, business or trade.
(Ord. 48022 § 6, 1924.)

6.02.170 Business at location other than stated in license.

Unless otherwise specifically provided, no license issued under authority of this subtitle shall entitle the holder thereof to maintain or conduct the business, trade, occupation, calling, exhibition or entertainment, for which he/she had procured such license at any other place or location than that stated in such license except upon the written consent of the Director of Executive Administration.
(Ord. 120794 § 155, 2002; Ord. 117169 § 68, 1994; Ord. 114245 § 2, 1988; Ord. 107157 § 1, 1978; Ord. 102636 § 4, 1973; Ord. 83906, 1955; Ord. 65357, 1935; Ord. 48022 § 9, 1924.)

6.02.180 Bonds.

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A. Whenever a bond is required for any amount except as otherwise specifically provided, it shall be held and construed to mean a surety company bond with the licensee as principal and some surety company authorized to do business in the State of Washington as surety. Such bond must be approved by the City Attorney as to form and sufficiency of the surety.

B. If the bond is cancelled at any time during the full period to be covered by the license applied for and the licensee fails to reinstate the bond according to the provisions of this subtitle, the license shall forthwith be suspended in accordance with the terms of this subtitle.
(Ord. 102390 § 1, 1973: Ord. 99725, 1971: Ord. 48022 § 10, 1924.)

6.02.190 License application--Form for certain businesses.

A. Application for the granting or renewal of:

1. Cabaret licenses;
2. Detective agency licenses;
3. Massage premises and public bathhouse license;
4. Pawnbroker licenses;
5. Merchants patrol agency licenses; shall be made in the office of the Director on a form prepared by him/her substantially as follows:

"THE CITY OF SEATTLE

Department of Executive Administration

Application for _____
Expiring _____ 20_____

1. Name of Applicant _____

2. Location of Business _____

Telephone No. _____

3. Place of Business Known as _____

4. Residence Address of applicant _____

Telephone Number _____

5. State whether Individual, Partnership or Corporation _____

6. If Partnership, state the names of all persons sharing in the profits of the business; If a

Corporation, give the names of its officers, directors and shareholders, giving title, residence address and phone number of each_____

- 7. How long has the applicant (or if a corporation, its officers) resided in the City of Seattle?_____
- 8. If individual or partnership, state whether applicant is of legal age_____
- 9. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the sale of intoxicating liquor, gambling, or any law or ordinance relating to public morality and decency, or for violating any law or ordinance involving an intent to defraud?_____
- 10. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the use, sale or possession of narcotic drugs?_____
- 11. State whether all persons sharing in the profits of the business are citizens of the United States_____
- 12. Give name of each person sharing in the profits of the business who is not a citizen of the United States_____
- 13. Do the premises upon which the business or proposed business is to be conducted, comply with the requirements of the Building Code and those relating to health and sanitation?_____
- 14. (If a Theater) Number of Seats_____
- 15. Remarks_____

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

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

SUBSCRIBED AND SWORN

to before me this _____ day of _____, 20_____

Notary Public in and for the State of Washington,

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residing at Seattle

Director of Executive Administration

By _____ "

B. If the applicant is a partnership, a partner must sign, if a Washington corporation, an officer thereof must sign, and if a foreign corporation authorized to do business in the state, its local manager or resident agent must sign. All applications must be accompanied by a receipt from the Director of Executive Administration showing payment of the required fee. The Director shall, as to applications for a new license, and may as to applications for a renewal license, request the Chief of Police to investigate the truth of the statements in the application and all other matters which might tend to aid the Director in determining whether to issue the license. The Chief of Police shall report to the Director as to reasons he or she may have for objecting to the issuance of the license. If the Director is satisfied that the statements in the application are true, that the applicant and all persons connected with the business are of good character, that the premises in which the activity sought to be licensed will be conducted comply with the requirements of all ordinances relating to buildings, fire, health and sanitation, that such premises are situated in a place where such businesses are not prohibited by the Zoning Ordinance¹ or other law, and that all other requirements and conditions of this subtitle and other ordinances relating to such application and to the business for which such license is sought have been met, the Director shall issue the license; otherwise shall deny the same; provided, however, that if the applicant (or if a corporation, any of its officers) has within ten (10) years of the date of application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (10) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction, no such license shall be issued; provided, further, however, that the Director may waive not to exceed five (5) years of such period upon satisfactory showing by the applicant of rehabilitation.

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

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

(Ord. 120794 § 156, 2002; Ord. 117169 § 69, 1994; Ord. 116368 § 186, 1992; Ord. 114207 § 8, 1988; Ord. 112900 § 1, 1986; Ord. 107157 § 2, 1978; Ord. 102636 § 5, 1973; Ord. 97956 § 3, 1969; Ord. 95318, 1966; Ord. 94330 § 1, 1965; Ord. 94188 § 1, 1965; Ord. 84319 § 1, 1955; Ord. 67473 § 1, 1937; Ord. 48022 § 11, 1924.)

1. Editor's Note: The Zoning Ordinance is codified in Title 24 of this Code.

6.02.200 Police Department relieved of duty to investigate applications.

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

(Ord. 120794 § 157, 2002; Ord. 117169 § 70, 1994; Ord. 102636 § 7, 1973; Ord. 90081, 1961; Ord. 48022 § 12-a, 1924.)

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6.02.210 Application procedure--Grounds for denial of license.

Application for any City license required by this title, other than those specified in Section 6.02.190 and Seattle Municipal Code Chapter 6.42, shall be made to the Director on a form prepared by him or her and shall be accompanied by a receipt from the Finance Director showing payment of the required fee. If the application is made within six (6) months of the date fixed for expiration, the fee shall be one-half (1/2) the annual fee. Except as hereinafter otherwise provided, the Director, upon receipt of proper application and compliance by the applicant with all conditions and requirements of this title and other ordinances relating to such application and to the business or activity for which such license is sought, shall issue the license; provided, that if after investigation the Director finds good reason to believe that the applicant is dishonest or immoral or desires the license applied for in order to engage in dishonest, unlawful or immoral acts or enterprises or that the premises in which the activity sought to be licensed will be conducted does not comply with the requirements of any ordinance relating to fire, buildings, health and sanitation or is in violation of the Zoning Ordinance,¹ he or she shall deny the license.

(Ord. 117169 § 71, 1994: Ord. 116368 § 187, 1992: Ord. 112900 § 2, 1986: Ord. 107157 § 3, 1978: Ord. 102636 § 8, 1973: Ord. 93051, 1964: Ord. 75087 § 1, 1946: Ord. 70325, 1940: Ord. 48022 § 13, 1924.)

1. Editor's Note: The Zoning Ordinance is codified in Title 24 of this Code.

6.02.220 Notice of license application for certain businesses.

No license specified in Section 6.02.190 shall be issued prior to the filing by the applicant of satisfactory proof that he/she has caused to be published for ten (10) consecutive days notice of license application which notice shall be in such form as shall be prescribed by the Director; provided, that in lieu of such publication, an application for renewal of a license may be posted by the licensee for the above prescribed period upon the premises at which the licensed activity or business is conducted.

(Ord. 107157 § 4, 1978: Ord. 102636 § 9(part), 1973: Ord. 48022 § 13.1, 1924.)

6.02.230 Complaints or objections to application.

The Director shall, in connection with any application for a license under this subtitle, receive from any person complaints or objections made in writing or in person at the office of the Director concerning any applicant for a license, and is authorized to request and receive from all City departments and agencies such information as will tend to aid the Director in determining whether to issue or deny such license. Such information shall be confidential unless a hearing is requested on such application; provided that any such information shall be made available to the applicant upon his/her written request therefor. All information, complaints or objections so received shall be investigated and considered by the Director prior to issuing or denying such license.

(Ord. 107157 § 5, 1978: Ord. 102636 § 9(part), 1973: Ord. 48022 § 13.2, 1924.)

6.02.240 Issuance of license--Notice to complainants--Hearing.

Upon approval of the issuance of a license, the Director shall, by certified mail, give written notice of such action to all persons who have made complaints or objections concerning such application, and unless a written request for hearing is received from any such person within ten (10) days of the mailing of such notice, the Director shall issue the license. All such licenses shall be conditioned upon compliance with all applicable ordinances and regulations of the City which condition shall be stated on such license.

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(Ord. 107157 § 6, 1978: Ord. 104202 § 1, 1975: Ord. 102636 § 9(part), 1973: Ord. 48022 § 13.3, 1924.)

6.02.250 Denial of license--Request for hearing.

Upon denial of a license, the Director shall, by certified mail, give written notice of such action to the applicant, which notice shall include a written report summarizing the complaints, objections and information received and considered by the Director and further stating the basis of such action. Such report shall be confidential unless the applicant requests a hearing as provided in this chapter. Any applicant whose application is denied, may within ten (10) days after mailing of notice as provided in this chapter request in writing a hearing on such action. Licenses for which renewal has been denied shall remain in effect pending the determination made as a result of such hearing. If no such request for hearing is received within the time specified, the Director's decision shall be final.

(Ord. 107157 § 7, 1978: Ord. 104202 § 2, 1975: Ord. 102636 § 9(part), 1973: Ord. 48022 § 13.4, 1924.)

6.02.260 Late renewal fee for annual licenses.

A. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty (30) days into the new license year: ten (10) percent of the annual license fee or Ten Dollars (\$10), whichever is greater;
2. If the renewal application is received after thirty (30) days into the new license year: twenty (20) percent or Twenty-five Dollars (\$25), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

C. Nothing in this section shall apply to the renewal of dog or cat licenses governed by the provisions of Section 6.16.010 of this subtitle.

(Ord. 106289 § 1, 1977: Ord. 106025 § 1, 1976: Ord. 48022 § 13.5, 1924.)

6.02.270 Denial, revocation or suspension of license--Generally.

A. In addition to other penalties provided by law, the Director may deny, revoke, or suspend any license issued under the provisions of this subtitle at any time, where the same was:

1. Procured by fraud, or false representation of fact, or for the violation of, or failure to comply with, any of the provisions of this subtitle by the person holding such license, or any of his/her servants, agents, or employees, while acting within the scope of their employment; or

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2. The conviction of the person holding such a license of a felony or misdemeanor involving moral turpitude or an intent to defraud, or the conviction of any agents or employees of any felony, or misdemeanor involving an attempt to defraud committed while acting within the scope of their employment; or

3. If the licensee, any of his/her servants, or agents or employees, while acting within the scope of their employment, violate any law or ordinance relating to the sale or possession of intoxicating liquor, the use, possession, or sale of narcotic drugs, discrimination against any person because of religion, race, age, political ideology, creed, ancestry, color, national origin, sex, sexual orientation, gender identity, marital status, or the presence of any sensory, mental or physical handicap, or violate any law or ordinance relating to public morality and decency, or with respect to the licenses specified in Section 6.02.190 where the business or activity for which such license was issued has been conducted in a disorderly or improper manner, or in violation of any statute of the state or ordinance of the City, or where the person conducting such business or activity is of unfit character to conduct the same, or where the purpose for which the license was issued is being abused to the detriment of the public, or where such license is being used for a purpose different from that for which it was issued. No license shall be revoked or suspended except in accordance with the procedure provided in this subtitle.

B. The period of revocation shall be at least one (1) year, and the licensee shall not again be licensed for the same kind of business during such period. The period of suspension shall be fixed by the Director at not less than ten (10) nor more than sixty (60) days.

C. Conviction of a violation of any provision of this subtitle shall be prima facie evidence sufficient to warrant revocation or suspension of the license.

D. It is unlawful for any person whose license has been revoked or suspended to keep the license issued to him in his possession or under his control, and the same shall immediately be surrendered to the Director. When revoked, the license shall be cancelled, and when suspended, the Director shall retain it during the period of suspension.

(Ord. 119628 § 22, 1999: Ord. 108196 § 6, 1979: Ord. 102636 § 10, 1973: Ord. 100729, 1972: Ord. 99094, 1970: Ord. 97646, 1969: Ord. 73016, 1943: Ord. 48022 § 14, 1924.)

6.02.290 Suspension or revocation procedure.

A. Actions to suspend or revoke any license shall be commenced by filing in the office of the Director of Executive Administration a written complaint setting forth in specific terms the basis therefor. Such complaint may be made by the Director, or by any member of the Finance Department, or by any other person. A copy of such complaint shall be mailed by certified mail to the licensee at his or her last address as shown by the license records of the Director, and shall be accompanied by a notice that such license may be suspended or revoked.

B. The licensee shall, within ten (10) days after receiving any such complaint, mail by certified mail to the complainant and file with the Director his or her written answer which shall admit or deny the allegations of such complaint and may set forth such defenses and/or additional matter as the licensee shall deem appropriate. If such licensee desires a hearing in such action, he or she shall request the same in his or her

answer and submit the Hearing Examiner filing fee therewith. The Director shall transmit the answer and the fee to the Hearing Examiner.

C. Upon failure of any such licensee to file an answer as provided in this section, or in the event no hearing is requested, the Director shall investigate the allegations of the complaint, and if cause exists therefor may suspend or revoke such license, and otherwise he or she shall dismiss the complaint; provided, that if the Director finds upon a sufficient showing that the conduct complained of has been corrected and is unlikely to be repeated, he or she may dismiss such complaint; and provided further, that the complaint shall be dismissed where the conduct complained of has been corrected under a written agreement between the complainant and licensee approved by the Director.

D. Notice of the action of the Director summarizing his or her findings and conclusions shall be mailed by certified mail to the complainant and to the licensee.

E. In all cases in which a complaint is dismissed other than upon a written agreement between the complainant and licensee, the complainant may within ten (10) days of the mailing of the notice of the Director's action request a hearing on such dismissal, in writing together with the appropriate Hearing Examiner filing fee, which the Director shall transmit to the Hearing Examiner.

F. When a hearing has been requested by a licensee in connection with the suspension or revocation of a license, the license shall remain in effect pending the determination made as a result of such hearing; provided, that in cases involving a substantial threat to the public health, safety or welfare, the license may be summarily suspended and in such case the date for hearing shall be set within five (5) days following such suspension.

(Ord. 120794 § 158, 2002; Ord. 117169 § 72, 1994; Ord. 108648 § 1, 1979; Ord. 104202 § 3, 1975; Ord. 102636 § 11, 1973; Ord. 48022 § 14.1, 1924.)

6.02.300 License plates for peddlers, vehicles and junk wagons.

A. All license plates issued with peddler, vehicle, and junk wagon licenses and all other plates and tags that may be issued with licenses, are and remain the property of the City, and if found in possession of any person other than the licensee, such plates or badges must be surrendered to the Director.

B. All such license plates and tags must be surrendered with the license to the Director in case of revocation or suspension of a license.
(Ord. 107157 § 9, 1978; Ord. 102636 § 12, 1973; Ord. 48022 § 15, 1924.)

6.02.310 Use or manufacture of license plates, tags.

A. It is unlawful for any person to use or permit to be used, any license plate or tag except those issued by the Director in conformity with the provisions of this subtitle.

B. It is unlawful for any person to make or manufacture any license plates or tags except upon order of the Director.

C. All license plates issued under the provisions of this subtitle for any purpose, must be removed

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from the vehicle upon expiration or revocation of the license with which they were issued.
(Ord. 107157 § 10, 1978; Ord. 102636 § 13, 1973; Ord. 48022 § 16, 1924.)

6.02.320 Licenses not to be issued for fractional part of a day, week, month or year.

Unless otherwise specifically provided for in this subtitle, whenever the license fee is fixed by the day, a license may be issued for one (1) or more full days and not for two (2) half days, nor for any fractional part of one (1) day; whenever a weekly fee is prescribed, it shall mean and include a full week and no such license shall be issued for a less period than one (1) week; whenever a monthly license fee is prescribed, it shall mean a full month and no monthly license shall be issued for a less period than one (1) month; whenever the license fee is fixed at a certain fee per annum or year, it shall mean a full year and no such license shall be issued for a less period than one (1) year; provided, however, that in the event any person fails or neglects to renew his license on or before the date of expiration thereof, or in the event that any person engages in a business, trade, occupation or calling requiring a license as in this subtitle provided, but who has failed, or neglected, to obtain the same, then the time of delinquency may be deducted from the period of time for which the license is issued; and provided, further, that no license shall be issued for a greater period than one (1) year.
(Ord. 48022 § 17, 1924.)

6.02.330 Refund of license fee.

A. Every annual license fee shall include a nonrefundable portion in an amount equal to twenty-five percent (25%) of the prescribed license fee or Twenty-five Dollars (\$25.00), whichever is greater. The remainder of the license fee shall be refundable only as allowed in subsection B of this section.

B. Upon proper application by the applicant or licensee made within thirty (30) days after the event upon which the request for refund is based, and determination that a refund is allowable, the Director shall authorize payment of the refundable portion of the license fee prorated as follows: one-twelfth (1/12) of the refundable portion multiplied by the number of full months remaining in the license year as of the date of application for refund. A refund is allowed whenever:

1. The license is denied or otherwise not issued, in which event the entire refundable portion of the license fee may be paid to the applicant: except that if the reason for nonissuance is that a license was not required or was issued in error, the entire license fee shall be refundable, notwithstanding subsection A;
2. A complaint for the license revocation is filed within fifteen (15) days after the license has been issued and the Hearing Examiner subsequently orders the license revoked, such refund allowable as of the date the order becomes final;
3. A licensee is prevented from continuing the activity for which the license is required for the remainder of the license period by reason of the acquisition by eminent domain of the property specified in the license as the property upon which the activity is engaged in;
4. The chapter or portion thereof requiring the license is repealed and the effective date of the repeal is prior to the expiration of the license period; or

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5. The licensee does not engage at any time in the activity for which the license is required by reason of the failure or refusal of any other city, county, state or federal department or agency to issue or give any permit, license or other permission or authorization necessary in order to engage in the activity.

C. No portion of a license fee is refundable when the license period specified in this subtitle is less than one (1) year.
(Ord. 107773 § 1, 1978: Ord. 48022 § 17.1, 1924.)

Chapter 6.08

BURGLAR ALARMS

Sections:

- 6.08.010 License required.
- 6.08.020 License application.
- 6.08.030 Identification cards.
- 6.08.040 Warranty and service contract--Records.
- 6.08.050 Instructions in use and care of alarm system.
- 6.08.060 Revocation or suspension of license.

6.08.010 License required.

It is unlawful for any person to engage in, or to represent himself or herself as being engaged in, the business of selling, leasing, renting, servicing, inspecting, installing, maintaining, or repairing alarms or alarm systems for the purposes of preventing or detecting burglaries or robberies without complying with the provisions of this chapter and without first obtaining a valid and subsisting license so to do to be known as a "burglar alarm dealer's license," the fee for which shall be Seventy-five Dollars (\$75.00) per year; provided that such license shall not be required of any person for the purpose of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current and who is required by the laws of the state to have a license to engage in, conduct or carry on the business of installing such wires, equipment, apparatus, or appliances.

(Ord. 118395 § 2, 1996: Ord. 116464 § 1, 1992: Ord. 113185 § 1(part), 1986: Ord. 110888 § 1(part), 1982: Ord. 101523 § 1(part), 1972: Ord. 101371 § 1(part), 1972: Ord. 48022 § 305.1, 1924.)

6.08.020 License application.

Application for a burglar alarm dealer's license shall be made in accordance with Section 6.02.210 of this subtitle and shall include the name and address of the applicant; the names and addresses of the owners thereof, or in the case of a corporation, names and addresses of the officers of such corporation; the type of service offered by such applicant; and such other information relating to the background of the owners or, in the case of a corporation, the officers of the applicant as shall be reasonably necessary to determine the qualifications of the applicant for such license.

(Ord. 101523 § 1 (part), 1972: Ord. 101371 § 1 (part), 1972: Ord. 48022 § 305.2, 1924.)

6.08.030 Identification cards.

Every person engaged in the installation, servicing, or selling of an alarm or alarm system at a location

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other than the address of the applicant stated on the burglar alarm dealer's license, under the authority of which he is working, shall apply to the Chief of Police for an identification card which shall be of such form, design, and material as shall be prescribed by the Chief of Police and which shall be carried by each such person and upon request displayed to any customer, police officer, or license officer. Every person required to have a burglar alarm dealer's license or a license required by the laws of the state to install wires or equipment to convey electric current or apparatus or appliances to be operated by such current shall submit with his application for an identification card proof that he is a holder of such license. No identification card shall be issued to any person who has within ten (10) years of the date of such application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud. A temporary identification card shall be granted any person not having such a conviction on Seattle Police Department records. A permanent identification card shall be issued following a complete review of available criminal record sources.

B. Identification cards shall be nontransferable and shall at all times be kept in the possession of the person to whom issued. Identification cards shall be valid for a period of two (2) years from the date of issue.

C. Any identification card issued to a person who ceases to be employed by any licensee, or in connection with a license which has been suspended or revoked, or in connection with a license the holder of which has ceased to engage in the business licensed under this chapter, as well as expired identification cards, shall be immediately surrendered to the Chief of Police.

(Ord. 101523 § 1(part), 1972: Ord. 101371 § 1 (part), 1972: Ord. 48022 § 35.3, 1924.)

6.08.040 Warranty and service contract--Records.

Burglar alarm dealers shall provide an express one (1) year warranty and service contract on all equipment sold or installed by such burglar alarm dealer and under such contract shall annually inspect and service such equipment. Records of all sales, inspections and service shall be maintained by each burglar alarm dealer for a period of not less than three (3) years and such records shall be open to inspection by any police, license, or consumer protection officer. Nothing in this section shall be deemed to require any person purchasing or having installed on his premises an alarm or alarm system to enter into a service and/or inspection contract with the seller or installer of such alarm or alarm system.

(Ord. 101523 § 1 (part), 1972: Ord. 101371 § 1 (part), 1972: Ord. 48022 § 305.4, 1924.)

6.08.050 Instructions in use and care of alarm system.

Burglar alarm dealers shall provide in connection with any alarm or alarm system sold or installed complete oral and written instructions and demonstration in the proper care and use of any such alarm system and shall furnish to the Chief of Police at his request a current copy of all such written instructions.

(Ord. 101523 § 1 (part), 1972: Ord. 101371 § 1 (part), 1972: Ord. 48022 § 305.5, 1924.)

6.08.060 Revocation or suspension of license.

Failure to comply with any provision of this chapter shall be grounds for revocation or suspension of any burglar alarm dealer's license, and upon such a finding the Chief of Police or any consumer protection officer may recommend revocation or suspension of such license in accordance with and subject to the provisions of this subtitle.

(Ord. 101523 § 1 (part), 1972: Ord. 101371 § 1 (part), 1972: Ord. 48022 § 305.6, 1924.)

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Chapter 6.10

ALARM SYSTEM MONITORING COMPANIES--FIRE ALARM MONITORING COMPANIES

Sections:

Subchapter I Alarm System Monitoring Companies

- 6.10.005 Definitions.
- 6.10.010 Alarm System Monitoring Companies--License required--Fee--Identification.
- 6.10.015 Annual license and due date.
- 6.10.020 Calculation of fees.
- 6.10.025 Exemption.
- 6.10.030 License fee proration.
- 6.10.035 Change of subscriber location or monitoring company.
- 6.10.040 Duty of licensee.
- 6.10.050 Licenses not transferable.
- 6.10.060 Duty to inform subscribers of ordinance and billing policies.
- 6.10.070 Suspension or revocation of license.
- 6.10.080 Penalty and interest for failure to pay.
- 6.10.090 Violation--Civil penalties.
- 6.10.100 Penalty for false alarms.
- 6.10.110 Notice and hearing on penalty for false alarms.
- 6.10.120 Criminal Conduct.
- 6.10.130 Civil Violations.

Subchapter II Fire Alarm Monitoring Companies

- 6.10.205 Definitions.
- 6.10.210 Fire alarm monitoring companies--License required--Fee.
- 6.10.215 Annual license and due date.
- 6.10.220 Calculation of fees.
- 6.10.230 License fee proration.
- 6.10.235 Change of subscriber location or monitoring company.
- 6.10.240 Duty of licensee; License not transferable; Duty to inform subscribers; Penalty and interest for failure to pay; Violation--Civil penalties.
- 6.10.250 Suspension or revocation of license.

Subchapter I

Alarm System Monitoring Companies

6.10.005 Definitions.

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

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

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

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

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

D. "Department" means the Department of Executive Administration of the City of Seattle.

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

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for police response; or
2. There is no indication or presence of a fire on the premises, that warrants a call for assistance from or investigation by the Seattle Fire Department, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for fire response; or
3. The dispatch of police or fire personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police or fire personnel at the alarm site.

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

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

H. "Subscriber" means a person having or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.
(Ord. 121932 § 1, 2005; Ord. 121332 § 1, 2003.)

6.10.010 Alarm System Monitoring Companies--License required--Fee--Identification.

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A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system monitoring company without first having obtained an annual license to do so. An annual license is required regardless of whether alarms are monitored from a location inside or outside Seattle.

B. The fee for such annual license is based upon two components:

1. The following aggregate amount:

Zero to 100 Seattle monitored alarm systems....\$100.00 per annum;

101 to 200 Seattle monitored alarm systems....\$200.00 per annum;

201 to 500 Seattle monitored alarm systems....\$400.00 per annum;

Over 500 Seattle monitored alarm systems....\$500.00 per annum; and

2. Ten Dollars (\$10.00) per year for each property alarm, burglary alarm, robbery alarm and panic alarm located in Seattle and monitored by the alarm system monitoring company at any time during the calendar year.

C. When more than one alarm system monitoring company provides alarm system monitoring service to any one location, all such companies shall be jointly and severally liable for payment of all fees under subsection B, provided, however that:

1. It shall be the primary responsibility of the alarm system monitoring company actually providing the twenty-four (24) hour monitoring service, pursuant to a written contract between the alarm system monitoring companies, to pay the license fee component set forth in subsection B1; and

2. The alarm system monitoring company that maintains the service contract directly with the subscriber is primarily responsible for the license fee component set forth in subsection B2.

E. The Department will issue a permit number to each alarm system monitoring company licensed under this chapter and such number shall be provided on the company's business license. The Seattle Police Department shall reference this number as their Unique Identifying Number (UIN). All persons licensed pursuant to this chapter shall supply the Seattle Police Department personnel with their permit number/UIN at the time an alarm is called in to the Seattle Police Department.

F. The license required pursuant to this chapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code including, but not limited to, that required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and Chapter 6.08, pertaining to burglar alarms installers.

(Ord. 121932 § 2, 2005; Ord. 121332 § 1, 2003.)

6.10.015 Annual license and due date.

A. The annual license renewal fee shall be payable by an alarm system monitoring company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they were issued and must be renewed and payment due by January 31 of the next year in order to avoid penalty.

B. Application for, and renewal of, the annual license shall be on forms specified by the Director and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall contain a list of all addresses at which monitored alarm systems are installed, the name of the corresponding subscriber, customer number, if applicable, and the number of alarm systems at such address.
(Ord. 121932 § 3, 2005; Ord. 121332 § 1, 2003.)

6.10.020 Calculation of fees.

A. For new alarm system monitoring companies, the fee contained in SMC Section 6.10.010 B1 shall be computed on the number of alarm systems monitored at the time of initial application.

B. The license fee component contained in SMC Section 6.10.010 B1 shall not be adjusted quarterly for the number of alarm systems monitored each quarter.

C. The license fee component contained in SMC Section 6.10.010 B2 shall be adjusted quarterly to reflect additional alarm systems first monitored during that quarter. Each alarm system monitoring company shall file quarterly, in the format specified by the Director, a list of all additional addresses at which it monitored alarms during such quarter, the name of the corresponding subscriber, and the number and types of alarms at such address. The quarterly report should also list the above information for alarm systems that have been discontinued or, if known, transferred to another alarm system monitoring company. The quarterly report shall be accompanied by payment of the additional Ten Dollars (\$10.00) per alarm system fee due, if any. See proration calculations in SMC Section 6.10.030 below.

D. Each alarm system monitoring company shall file a quarterly report regardless of whether there have been any subscription changes or if any additional fees are due.
(Ord. 121932 § 4, 2005; Ord. 121332 § 1, 2003.)

6.10.025 Exemption.

The Federal Government, its departments and institutions, the State of Washington, its departments or institutions, who respond to its own alarm systems with commissioned officers employed directly by such entities, shall be exempt from the alarm system monitoring business license fees established by SMC Section 6.10.010.
(Ord. 121932 § 5, 2005.)

6.10.030 License fee proration.

A. In calculating the license fee component contained in SMC Section 6.10.010 B1, only the initial license fee will be prorated on a quarterly basis for applications made after the first quarter.

B. The license fee component contained in SMC Section 6.10.010 B2 will be prorated in equal amounts on a quarterly basis for alarm systems that begin to be monitored after the first quarter.

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(Ord. 121932 § 6, 2005; Ord. 121332 § 1, 2003.)

6.10.035 Change of subscriber location or monitoring company.

A. An alarm system monitoring company shall not owe an additional licensing fee for any license fee that has been already paid under SMC Section 6.310.010 B2, when a subscriber moves their alarm site to another location within the City of Seattle; provided that, the alarm system monitoring company must provide the Director with information regarding the alarm site which has been moved, including but not limited to, the previous and new addresses of the alarm site and satisfactory proof of payment of the licensing fee component contained in SMC Section 6.10.010 B2. Such information must be provided in the next quarterly report due after the movement of the alarm site.

B. A credit will be given for the prorated portion of the license fee contained in SMC Section 6.10.010 B2 paid by another alarm monitoring company for the present year on an alarm system that is transferred from one company to another alarm system monitoring company; provided that, satisfactory proof that the license fee component contained in SMC Section 6.10.010 B2 has been paid and is supplied to the Director.

(Ord. 121932 § 7, 2005.)

6.10.040 Duty of licensee.

A. It shall be the duty of all licensees granted licenses under this chapter to comply with all applicable regulations in this chapter or elsewhere, including, without limitation, SMC Chapter 10.08. The failure of any licensee to do so shall be a violation of this chapter and grounds to suspend or revoke the license.

B. No licensee granted a license under this chapter shall allow any person who has had their alarm monitoring license revoked or suspended by the City of Seattle to have a financial or ownership interest in its business, or to be in its employ, within one year from the date of such revocation or suspension.

(Ord. 121932 § 8, 2005; Ord. 121332 § 1, 2003.)

6.10.050 Licenses not transferable.

No license issued pursuant to this chapter shall be transferable unless in accordance with SMC Chapter 6.02. A person not previously licensed that assumes responsibility for monitoring alarms for which another person has paid the annual license fee shall obtain a new license for the remainder of the year by paying the license fee component contained in SMC Section 6.10.010 B1.

(Ord. 121932 § 9, 2005; Ord. 121332 § 1, 2003.)

6.10.060 Duty to inform subscribers of ordinance and billing policies.

All persons licensed pursuant to this chapter shall supply each of their system subscribers with copies of this chapter and chapter 10.08. Licensees who choose to bill their subscribers for any license fee imposed by this chapter shall give to each of their subscribers a copy of the licensee's policies and practices with respect to such billing.

(Ord. 121332 § 1, 2003.)

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6.10.070 Suspension or revocation of license.

The Director shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The Director shall notify the Seattle Police Department of any revocation or suspension, and in the discretion of the Police Department, no response may be made to any alarms monitored by the alarm system monitoring company until the license is reinstated. An alarm system monitoring company whose license has been revoked or suspended shall notify each of its subscribers of the revocation or suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day following such suspension or revocation. (Ord. 121332 § 1, 2003.)

6.10.080 Penalty and interest for failure to pay.

A. If a license application, renewal, quarterly report, or payment of any fee due under this chapter is received between one (1) and thirty (30) days after the date the fee becomes due, there shall be added to the amount due a penalty of ten percent (10%) of the fees owing or Twenty Dollars (\$20), whichever is greater. If the payment is received more than thirty (30) days after the date it becomes due, there will be added to the amount due a penalty of twenty percent (20%) of the fees owing or Thirty Dollars (\$30), whichever is greater.

B. The licensee shall be notified by mail, or electronically as has been previously agreed upon between the Department and the alarm system monitoring company, of the amount of any penalties so added, and the same shall become due and shall be paid within ten (10) days from the date of such notice.

C. Any fee required by this chapter that is not paid within ninety (90) days after the due date shall be subject to interest and calculated in the same manner as described in SMC Section 5.55.090 B pertaining to deficiency tax assessments. Nothing in this subsection shall be construed to deem any fees required under this chapter to be a tax. (Ord. 122270, § 10, 2006; Ord. 121932 § 10, 2005; Ord. 121332 § 1, 2003.)

6.10.090 Violation--Civil penalties.

The failure of a person that engages in business in Seattle as an alarm system monitoring company to comply with any provision of this chapter shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate. (Ord. 121332 § 1, 2003.)

6.10.100 Penalty for false alarms.

A. The sending of an alarm by an alarm system monitoring company, which results in the dispatch of the police and subsequent arrival by the police at the alarm site shall be subject to a false alarm fee of Ninety Dollars (\$90.00) whenever there is no evidence of a crime or other activity that would warrant a call for police assistance or investigation at the premises; provided however, that no false alarm fee shall be assessed if any individual who was on or near the premises, or who had viewed a video communication from the premises,

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called for the dispatch and confirmed a need for police response.

B. In the event that police were dispatched to the premises and such dispatch was subsequently cancelled prior to the police officer(s) arrival at the alarm site, the alarm system monitoring company shall be subject to a false alarm fee of Thirty Dollars (\$30.00).
(Ord. 121932 § 11, 2005; Ord. 121332 § 1, 2003.)

6.10.110 Notice and hearing on penalty for false alarms.

A. The Department shall mail by first class mail, or transmit electronically if previously agreed between the Department and the alarm system monitoring company, a written notice of the false alarm fee to the alarm system monitoring company. The notice shall state the date and time of the false alarm, and that the alarm system monitoring company is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the determination that the false alarm occurred. All false alarm fees are due and payable within sixty (60) days of the date that the Department mails or transmits the notice, unless: (1) an appeal is filed pursuant to subsection B of this section, in which case the fees appealed from are due and payable within ten (10) days after the date of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to subsection D of this section.

B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director, or the Director's designee, not more than twenty (20) days from the date the appeal is filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons affirming or reversing the notice. The Decision of the Director shall be final.

C. The Director may, but is not required to, delegate authority to conduct hearings under this section to the Seattle Police Department.

D. The Director may waive the first false alarm fee once within an eighty-four (84) month period per alarm site, if the owner of the monitored alarm attends an alarm user class as defined in Section 10.08.140 of the Seattle Municipal Code. The owner of the alarm must attend the class within one hundred and twenty (120) days of the date of the false alarm billing. A current Seattle subscriber that moves to a new address within Seattle shall receive a waiver for the first false alarm at the subscriber's new location if the owner attends a class after moving to the new location within one hundred twenty (120) days of the false alarm, regardless of whether the first time waiver was granted to the subscriber at the subscriber's previous address.
(Ord. 121932 § 12, 2005; Ord. 121332 § 1, 2003.)

6.10.120 Criminal Conduct.

Unlawful conduct under SMC Sections 6.10.010 or 6.10.210, or the violation of or failure to comply with any provision of this chapter, or any rule or regulation, or final order of the Director or Hearing Examiner made pursuant to this chapter shall be a crime subject to the provisions of the Seattle Criminal Code. Any such crime under this chapter is punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a term of not more than six (6) months, or both.
(Ord. 121932 § 13, 2005.)

6.10.130 Civil Violations.

A. Any unlawful conduct under SMC Sections 6.10.010 or 6.10.210, or the violation of or failure to comply with any provision of this chapter, or any rule or regulation, or final order of the Director or Hearing Examiner made pursuant to this chapter shall be a civil violation punishable by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

B. Each day of continued violation or noncompliance constitutes a separate offense.
(Ord. 121932 § 14, 2005.)

Subchapter II

Fire Alarm Monitoring Companies

6.10.205 Definitions.

Except as otherwise specifically provided in this subchapter, the definitions contained in SMC Section 6.10.005 shall be fully applicable to fire alarm monitoring companies:

A. "Fire alarm monitoring company" means any individual, partnership, corporation, or other form of association that is listed with Underwriters' Laboratories as a "Full Service Company" or "Monitoring Company," and engages in the business of monitoring fire alarm systems located within the City of Seattle. For the purposes of this chapter, fire alarm monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform fire alarm system monitoring services and then subcontract with another fire alarm monitoring company to provide the actual monitoring service.

B. "Fire alarm system" means a system, or portion of a combination system, that is approved by the Seattle Fire Department and that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. This definition includes fire protection sprinkler systems, as that term is defined in subsection C of this section, but does not include heat or smoke detectors that are installed in conjunction with property or burglary alarms as defined in SMC Section 10.08.140, and that are not approved by the Seattle Fire Department.

C. "Fire Protection Sprinkler System" means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion and consisting of at least 100 sprinkler heads, except for structures constructed after August 15, 2004, for which such system shall consist of the number of sprinkler heads required by the Seattle Building Code and the Seattle Fire Code, as amended from time to time.
(Ord. 121932 § 15, 2005; Ord. 121332 § 1, 2003.)

6.10.210 Fire alarm monitoring companies--License required--Fee.

A. It is unlawful for a fire alarm monitoring company to engage in the business of monitoring fire

alarm systems located within the City of Seattle without first having obtained an annual license to do so.

B. The fee for such annual license is based upon two components:

1. The following aggregate amount:

Zero to 100 Seattle monitored fire alarm systems....\$100.00 per annum;

101 to 200 Seattle monitored fire alarm systems....\$200.00 per annum;

201 to 500 Seattle monitored fire alarm systems....\$400.00 per annum;

Over 500 Seattle monitored fire alarm systems....\$500.00 per annum; and

2. One of the following amounts for each fire alarm system located in Seattle and monitored by the fire alarm monitoring company at any time during the calendar year:

a. Fire alarm systems serving structures five or more stories or structures exceeding 200,000 square feet in building floor area....\$693.00 per fire alarm system, per annum; or

b. Fire alarm systems serving structures that are 3 or 4 stories and less than 200,000 square feet in building floor area....\$223.00 per fire alarm system, per annum; or

c. Fire alarm systems serving structures less than three stories and less than 200,000 square feet in building floor area....\$76.00 per fire alarm system, per annum.

C. A fire alarm monitoring company that has paid an alarm system monitoring company license fee as required in SMC Section 6.10.010 B1, will not have to pay a fire alarm monitoring company license fee as required in SMC Section 6.10.210 B1, provided that all monitored fire alarm systems were used to compute the number of all alarm systems (both fire alarm and alarm systems) in SMC Section 6.10.010 B1.

D. When more than one fire alarm monitoring company is involved with providing fire alarm system monitoring service to any one location, all such companies shall be jointly and severally liable for payment of all fees under subsection B, provided, however, that:

1. It shall be the responsibility of the fire alarm monitoring company actually providing twenty-four (24) hour monitoring service, pursuant to a written contract between the fire alarm monitoring companies, to pay the license fee component set forth in subsection B1 of this section; and

2. The fire alarm monitoring company which maintains the service contract directly with the subscriber shall be primarily responsible for the license fee component set forth in subsection B2 of this section.

E. Modifications or upgrades to a fire alarm system originally serving an alarm site will be considered as part of one alarm system for the purpose of calculating license fees, regardless of the number of system panels. At the discretion of the Director, and upon recommendation by the Fire Marshall, the Director

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may waive or adjust such fees as necessary and appropriate.

F. A heat or smoke detector that is installed in conjunction with a property or burglar alarm shall be subject only to the annual license fees and related provisions contained in subchapter I of this chapter.

G. The license required pursuant to this subchapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code including, but not limited to, that required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and Chapter 6.08, pertaining to burglar alarms installers.

H. The issuance and renewal of a license pursuant to this subchapter is conditioned upon the fire alarm monitoring company's continuing conformance with all requirements of the Seattle Fire Code and the Seattle Fire Department Administrative Rules for central station monitoring.
(Ord. 121932 § 16, 2005; Ord. 121332 § 1, 2003.)

6.10.215 Annual license and due date.

A. The annual license renewal fee shall be payable by the fire alarm monitoring company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they were issued and must be renewed and payment due by January 31 of the next year in order to avoid penalty.

B. Application for, and renewal of, the annual license shall be on forms specified by the Director and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall contain a list by fee category of all buildings in which the applicant monitors fire alarm systems, showing the street address for each building where the applicant monitors fire alarm systems; the number of fire alarm systems monitored by the applicant in each individual listed building; and the name, addresses and telephone number for the owner of each monitored fire alarm system.
(Ord. 121932 § 17, 2005; Ord. 121332 § 1, 2003.)

6.10.220 Calculation of fees.

A. For new fire alarm monitoring companies, the fee contained in SMC Section 6.10.210 B1 shall be computed on the number of fire alarm systems monitored at the time of initial application.

B. The license fee component contained in SMC Section 6.10.210 B1 shall not be adjusted quarterly for the number of fire alarm systems monitored each quarter.

C. The license fee component contained in SMC Section 6.10.210 B2 shall be adjusted quarterly to reflect additional fire alarm systems first monitored during that quarter. Each fire alarm monitoring company shall file quarterly, in the format specified by the Director, a list of all additional addresses at which it monitored fire alarms during such quarter, the name of the corresponding subscriber, and the number of fire alarms at such address. The quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred to another fire alarm monitoring company. The quarterly report shall be accompanied by payment of the additional per-fire-alarm-system fee due, if any. See proration calculations in SMC Section 6.10.230 below.

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D. Each fire alarm monitoring company shall file a quarterly report regardless of whether any additional fees are due.
(Ord. 121932 § 18, 2005; Ord. 121332 § 1, 2003.)

6.10.230 License fee proration.

A. In calculating the license fee component contained in SMC Section 6.10.210 B1, only the initial license fee will be prorated on a quarterly basis for applications made after the first quarter.

B. The license fee component contained in SMC Section 6.10.210 B2 will be prorated in equal amounts on a quarterly basis for fire alarm systems that begin to be monitored after the first quarter.
(Ord. 121932 § 19, 2005; Ord. 121332 § 1, 2003.)

6.10.235 Change of subscriber location or monitoring company.

A. A fire alarm monitoring company shall not owe an additional licensing fee for any license fee that has been already paid under SMC Section 6.10.210 B2, when a subscriber moves their alarm site to another location within the City of Seattle; provided that, the fire alarm monitoring company must provide the Director with information regarding the alarm site which has been moved, including but not limited to, the previous and new addresses of the alarm site and satisfactory proof of payment of the licensing fee component contained in SMC Section 6.10.210 B2. Such information must be provided in the next quarterly report due after the movement of the alarm site.

B. A credit will be given for the prorated portion of the license fee contained in SMC Section 6.10.210 B2 paid by another fire alarm monitoring company for the present year on a fire alarm system that is transferred from one company to another fire alarm monitoring company; provided that, satisfactory proof that the license fee component contained in SMC Section 6.10.210 B2 has been paid and is supplied to the Director.
(Ord. 121932 § 20, 2005.)

6.10.240 Duty of licensee; License not transferable; Duty to inform subscribers; Penalty and interest for failure to pay; Violation--Civil penalties.

The provisions applicable to alarm system monitoring companies contained in SMC 6.10.040, 6.10.050, 6.10.060, 6.10.080, and 6.10.090 shall be applicable to fire alarm monitoring companies as if fully set forth herein. Reference in these sections to the Seattle Police Department shall be construed in this subchapter as reference to the Seattle Fire Department. Reference in the above sections to alarm system monitoring companies shall be construed in this subchapter as reference to fire alarm monitoring companies. This chapter does not modify any provision of SMC 12A.60.105, and is not intended to impose any penalty for activating or triggering a false fire alarm.
(Ord. 121332 § 1, 2003.)

6.10.250 Suspension or revocation of license.

The Director shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may be reinstated without prior payment of all fees due and outstanding. A fire alarm monitoring company whose license has been

revoked or suspended shall notify each of its subscribers of the revocation or suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day following such suspension or revocation.

(Ord. 121332 § 1, 2003.)

Chapter 6.14

DETECTIVES AND DETECTIVE AGENCIES

Sections:

6.14.010 Definitions.

6.14.020 License required--Certain persons prohibited.

6.14.030 Detective agency license--Fee.

6.14.040 Private detective license--Fee.

6.14.050 Expiration of licenses.

6.14.060 Private detective license--Application.

6.14.070 Employees not to divulge information.

6.14.080 Unlawful acts.

6.14.090 Surety bond.

6.14.100 Private guard license--Fee.

6.14.010 Definitions.

The words and phrases used in this section, unless the context otherwise indicates, shall have the following meanings:

A. "Private detective business" means and includes the business of, or the representation of being engaged in the business of, making for hire or reward investigation or investigations with reference to any of the following matters:

1. Detecting, discovering or revealing crime or criminals, or securing secret information or evidence relating thereto;
2. Discovering or revealing the identity, whereabouts, character or actions of any person or persons, thing or things;
3. The habits, conduct, movements, whereabouts, associations, transactions, reputations or character of any person, firm or corporation;
4. The credibility of witnesses or other persons;
5. The location or recovery of lost or stolen property;
6. The causes, origin or responsibility for fires or accidents or injuries to real or personal property;
7. The affiliation, connection or relation of any person, firm or corporation with any union or nonunion organization, with any official member or representative thereof, or with any person or persons seeking employment in the place of any person or persons who have quit work by reason of any strike;

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8. The truth or falsity of any statement or representation;

9. The business of securing for hire or reward evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.

B. Nothing in this chapter shall apply to any officer or employee of any state, county, city or town, appointed or elected by due authority of law; to any person, firm or corporation, whose business is the furnishing of information as to the business and financial standing and credit of persons, firms or corporations; nor to any person, firm or corporation inquiring as to the personal habits and financial responsibilities of applicants for insurance, indemnity bonds, or commercial credit, or of claimants under insurance policies.

C. 1. "Detective agency" means and includes any person who as principal or employer engages in or who advertises or holds himself out as being engaged in, the private detective business.

2. "Private detective" means and includes any natural person of either sex who engages in, or who advertises or holds himself out as being engaged in, the private detective business as agent or employee of a duly licensed detective agency.

(Ord. 77699 § 1, 1949; Ord. 67473 § 2, 1937; Ord. 48022 § 89, 1924.)

6.14.020 License required--Certain persons prohibited.

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

(Ord. 120794 § 159, 2002; Ord. 117169 § 73, 1994; Ord. 102636 § 36, 1973; Ord. 93050, 1964; Ord. 67473 § 3, 1937; Ord. 48022 § 90, 1924.)

6.14.030 Detective agency license--Fee.

It shall be unlawful to engage in business as a detective agency without having first obtained a valid and subsisting license so to do, to be known as a "detective agency license" and having on file a surety bond as required by Section 6.14.090. The initial fee for a detective agency license shall be Five Hundred Forty Dollars (\$540.00) and may thereafter be renewed annually for a fee of Two Hundred Fifteen Dollars (\$215.00). Such license shall be obtained in conformity with Section 6.02.190 and may be revoked as prescribed by Section 6.02.270 of this subtitle.

(Ord. 113185 § 1(part), 1986; Ord. 110888 § 1(part), 1982; Ord. 93369 § 1, 1964; Ord. 88789 § 6, 1959; Ord. 67473 § 4, 1937; Ord. 48022 § 90-1, 1924.)

6.14.040 Private detective license--Fee.

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It is unlawful for any person whether licensed as a detective agency or not, to engage in the private detective business or to act, or engage in business, as a private detective without first obtaining and being the owner and holder of a valid and subsisting license so to do, to be known as a "private detective license," the fee for which shall be and is fixed in the sum of Forty-five Dollars (\$45.00) per year; provided, that a private detective license shall without the payment of any fee therefor be issued to an individual, to one (1) member of a partnership, or firm, or to one (1) officer of a corporation holding a detective agency license, or employed by a holder of a detective agency license. On such private detective license shall be designated the number of the detective agency license by reason of which the private detective license is issued, and such license shall be in force and effect only so long as such person is possessed of, or is a member of a partnership or officer of a corporation holding, or is employed by the holder of, such detective agency license.

(Ord. 113185 § 1(part), 1986: Ord. 110888 § 1(part), 1982: Ord. 106063 § 1, 1976: Ord. 67473 § 5, 1937: Ord. 48022 § 90-2, 1924.)

6.14.050 Expiration of licenses.

All annual licenses issued under Sections 6.14.030 and 6.14.040 shall expire at midnight on October 31st of each year.

(Ord. 75088 § 9, 1946.)

6.14.060 Private detective license--Application.

A. Applications for private detective license shall be made to the Director on forms to be furnished by him/her for that purpose, shall be signed and verified by the applicant, and shall state his/her full name, age and residence, his/her present and previous occupations and the address of the place of business and the name of his/her employer. The Director upon presentation of an application for a private detective license, and before acting upon the same, shall request the Chief of Police to make a full investigation as to the truth of the statements contained therein and as to any and all other matters which might tend to aid the Director in determining whether or not the license shall be issued. The Chief of Police shall, within five (5) days after the date of such request, furnish a written report to the Director containing the result of his/her investigation. If the Director is satisfied that the statements contained in the application are true, that the applicant is of good moral character and has complied with all requirements of this chapter, he/she shall issue the license; otherwise the license shall be denied. Each such license shall bear the photograph of the license holder.

B. The Director may, upon recommendation of the Chief of Police pending completion of the required investigation, issue a temporary permit to any applicant for a private detective license and/or private guard license who has been a resident of the state for a period of at least five (5) years next preceding the date of application. Such temporary permit shall authorize the permittee to act either as a private detective, private guard, or both, while he/she is employed by, or an agent of, the detective agency specified in the permit and the same shall be valid for a period of not to exceed forty-five (45) days.

C. Private detective licenses may be revoked as prescribed by Section 6.02.270 of this subtitle. (Ord. 109191 § 1, 1980: Ord. 107157 § 13, 1978: Ord. 102636 § 37, 1973: Ord. 98196, 1969: Ord. 94649, 1966: Ord. 67473 § 6, 1937: Ord. 48022 § 90-3, 1924.)

6.14.070 Employees not to divulge information.

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It shall be unlawful for any person who is or has been an employee of a detective agency to divulge to any person, other than his employer, except as his employer may direct and except as may be required by law, any information acquired by him during such employment with respect to any of the work to which he, or any other employee of such detective agency, shall have been assigned by such detective agency, or with respect to any of the work, business or affairs of such detective agency.
(Ord. 67473 § 7, 1937: Ord. 48022 § 90-4, 1924.)

6.14.080 Unlawful acts.

It shall be unlawful for any licensee under this chapter to knowingly incite, encourage or aid in inciting or encouraging any person or persons who have become a party to any strike, to commit unlawful acts against the person or property of anyone, or knowingly to incite, stir up, create or aid in inciting discontent or dissatisfaction among the employees of any person, firm or corporation with the intention of having them strike, or to send letters or literature to employees offering to eliminate labor unions, or for any person to falsely state or represent that he is or has been a private detective or employed by a detective agency, or for any licensee under this chapter or employee thereof to assume to act as an officer of the law without proper authority.
(Ord. 67473 § 8, 1937: Ord. 48022 § 90-5, 1924.)

6.14.090 Surety bond.

Every applicant for a detective agency license at the time the application is made shall furnish to the Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars (\$2,000.00), conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of detective or detective agency.
(Ord. 120794 § 160, 2002: Ord. 117169 § 74, 1994: Ord. 116368 § 188, 1992: Ord. 102636 § 38, 1973: Ord. 48022 § 91, 1924.)

6.14.100 Private guard license--Fee.

It is unlawful to engage in the occupation of private guard to prevent theft or unlawful taking of goods, wares, and merchandise or to purport to engage therein without a private guard license, the fee for which shall be Thirty Dollars (\$30.00) per year and which shall expire October 31st of each year. No private guard shall operate except as an employee under a duly licensed detective agency. Application for such license shall be made to the Director of Executive Administration on a similar form and shall follow the same procedure as is provided in Section 6.14.060 hereof for a private detective license; provided, anyone holding a valid merchant's patrol agency license or merchant patrolman's license under Section 6.38.020 of this subtitle shall be exempt from such license requirements.
(Ord. 120794 § 161, 2002: Ord. 117169 § 75, 1994: Ord. 113185 § 1(part), 1986: Ord. 110888 § 1(part), 1984: Ord. 106063 § 2, 1976: Ord. 102636 § 39, 1973: Ord. 94188 § 2, 1965: Ord. 88789 § 7, 1959: Ord. 77699 § 2, 1949: Ord. 48022 § 91-1, 1924.)

Chapter 6.20

EXHIBITORS OR TRADE SHOWS

Sections:

6.20.010 Trade show license.

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6.20.020 Duration of license.

6.20.030 Application; Coordination; Records.

6.20.040 Trade show license fee.

6.20.050 Relation to annual City business license.

6.20.060 Relation to Chapter 6.02.

6.20.070 Civil infraction.

6.20.100 Severability.

6.20.010 Trade show license.

A. Trade Show Defined; License Required. A trade show license is required for any organized exhibition, display, or show that lasts for not more than fourteen (14) consecutive days and involves twenty-five (25) or more participants, who sell, barter or exchange goods or services (called a "trade show" herein). A trade show includes events that may occur within a building, a connected set of buildings, on grounds, or buildings and grounds. It includes those events that partake the character of a unified display as well as those that are open to the public or limited to a prospective clientele.

B. Trade show illustrated:

1. The term "trade show" includes in addition to its common meaning any of the following:

An antique show, boat show, sports show, hobby show, agricultural show, horticultural show, industrial show;

An art exhibit, coin, stamp, or hobby show;

A home show or recreational vehicle show;

A commercial or business fair;

A special event under permit issued pursuant to Chapter 15.52; and

Any other show or exhibition of a similar nature.

2. The term excludes:

An indoor carnival with emphasis on entertainment and amusements;

A farmer's market, "flea" market, antique mart, bazaar, or similar congregation of vendors and/or exhibitors which offers goods or services to the public at the same location on a recurrent basis more than four times per year; and

An event of similar character to those above if it is described by Rules of the Director.

C. Trade Show Accompanying Convention. A trade show that is directly associated with or ancillary to a convention or a major national meeting is exempt from the fees imposed by Section 6.20.040 when entry to the trade show is limited to those attending the convention or meeting and the immediate family or associates of the conventioners. The fees imposed by Section 6.20.040 apply if the trade show is open to the

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public or the convention accepts on-site registration from the public without charge or for a nominal fee.

A convention means a meeting or conference of members of an organization and registered guests that:

1. Is sponsored by an organization exempt from federal income taxes pursuant to Section 501(c) of the Internal Revenue Code of 1954, 26 USC Section 501(c) or by a church or religious organization recognized as such by the Internal Revenue Service;
2. Offers information, education or an exchange of dialogue of common interest among those attending a convention, with the trade show related and ancillary thereto; and
3. Occurs at intervals no more often than quarterly.

A trade show need not be in the same building or on the same site as the convention that it complements.

D. **Duty Upon Organizer/Promoter.** It is the duty of the organizer or promoter of the trade show to secure the trade show license. The organizer or promoter is that person who has primary authority or responsibility for arranging the event or, if such a person is not identified, each person who performs important duties such as securing the location, allocating exhibit space or assignment of floor area, coordinating with participants and collection fees; and/or arranging for advertising or paying expenses.

E. **Participant Defined.** The term "participant" includes anyone who exhibits goods or services at any fixed location, such as a stall, booth, stand, space, section, or an identified area, for the purpose of sale, trade, barter, exchange, advertisement or providing information about goods or services that may become available, or for the distribution of samples.

(Ord. 117002 § 1(part), 1993; Ord. 116465 § 1, 1992; Ord. 110888 § 1(part), 1982; Ord. 109502 § 1(part), 1980; Ord. 107157 § 11, 1978; Ord. 106037 § 2, 1976; Ord. 104063, 1974; Ord. 101168, 1972; Ord. 97286 § 1, 1968; Ord. 96400, 1968; Ord. 93397, 1964; Ord. 92657, 1964; Ord. 92204, 1963; Ord. 91689, 1962; Ord. 84041, 1955; Ord. 83500 § 1, 1954; Ord. 82624, 1954; Ord. 81352, 1952; Ord. 77545, 1948; Ord. 75087 § 3, 1946; Ord. 72685, 1943; Ord. 71451, 1941; Ord. 65675; Ord. 65592, 1935; Ord. 64185; Ord. 61761; Ord. 59597; Ord. 48022 § 23, 1924.)

6.20.020 Duration of license.

A trade show license shall be valid for a definite period not to exceed fourteen (14) consecutive days. The duration of the license shall be determined by the number of days of the trade show. A license granted for fewer than fourteen (14) days may be extended up to the fourteen (14) day limit if the trade show is extended. The license required by this section may be revoked or suspended by the Director for any misrepresentation of goods or articles offered for sale at any such show.

(Ord. 117002 § 1(part), 1993.)

6.20.030 Application; Coordination; Records.

A. **Application.** A promoter or organizer of a trade show shall apply to the Director of Finance for a trade show license at least one (1) day before the trade show opens. The application shall identify the trade

show, its location and dates, and contain or be supplemented by a listing of the name, address, and business telephone number of each participant, and identify any "used goods dealer" as defined in Section 6.288.010 H. A participant must be listed in order to be eligible for the exclusion in Sections 6.20.050 and 5.55.030 D, and identified as a "used goods dealer" for registration under Section 6.20.050 C.

B. New Information. A promoter or organizer shall supplement the listing with participants who register subsequent to the issuance of the license.

C. Information to Participants. The Director may require that a promoter or organizer distribute to each participant information about the City's business tax and the effect of a trade show license, together with a written notice of the participant's duty to report and pay City taxes in the event his or her gross receipts subject to Seattle business tax exceed Fifty Thousand Dollars (\$50,000.00) after allowable deductions, and to any participants who offer used goods for sale, a copy of Chapter 6.288.

D. Promoter's Records. The promoter or organizer shall maintain a record of all participants in the trade show which shall be available for inspection by the Director during normal business hours for the duration of the trade show and for ninety (90) days thereafter, and for verification of any requests for refunds under Section 6.30.040 C.

E. Alternative Procedure. The Director may establish an alternative procedure and forms for trade shows ancillary to a convention or national meeting, and may accept in fulfillment of ordinance requirements actions made on behalf of the promoter or organizer of the trade show by the manager or administrator of a facility where trade shows are regularly held.

(Ord. 120668 § 29, 2001; Ord. 117002 § 2(part), 1993.)

6.20.040 Trade show license fee.

A. Basic Fee. The fee for a trade show license shall be an amount equal to Five Dollars (\$5.00) per day for each participant in the trade show, other than those participants excluded in calculating the fee under subsections B and C. The fee shall be due upon filing of the application, but the Director for good cause may allow the promoter or organizer to pay the fee on the day that the trade show opens, or in the alternative, allow the trade show organizer to pay these fees to the facility in which the trade show will be housed. The facility is required to submit any such fees collected to the City within ten (10) days following the close of the trade show.

B. Exclusions. A promoter or organizer may exclude the following participants in calculating the amount of the fee if the promoter or organizer allows their participation as a public service without charge or at a reduced rate and identifies them on the application:

1. Agencies described within SMC Subsections 5.45.090 G, H, and J as exempt from City business licenses;
2. Agencies described within SMC Subsections 5.45.100 C, D, and F to the extent that their activities in the trade show entitle them to a deduction from gross income; and
3. A nonprofit organization that participates in the trade show as an exercise of constitutional rights guaranteed by the First and Fourteenth Amendments to the United States Constitution and

confines its activities at the trade show to distributing literature or presenting a political or religious message; soliciting donations or services of volunteers; and/or by vending products such as literature, bumper stickers, or buttons with a political or religious message, that have no intrinsic value and the message is inextricably intertwined with the purposes of the organization.

C. The promoter or organizer shall not be required to pay the basic fee set out in subsection A of SMC Section 6.20.040 for a participant who currently possesses a City of Seattle business license.

D. Adjustments. A promoter or organizer shall within ten (10) days following the trade show pay the City any additional fee that may be due on account of nonexcluded participants who are added after the date on which the organizer or promoter filed his or her application, and may secure a refund for license fees paid in anticipation of the presence of participants who did not appear. Only one (1) application shall be made no later than thirty (30) days after the close of the trade show. If the promoter or organizer arranges multiple trade shows in Seattle, the Director may in lieu of a refund allow the promoter or organizer a credit for the amount of the refund to be applied toward future trade shows.

E. Late Application/Payment. There shall be surcharge of ten percent (10%) of the basic license fee in subsection A charged to any promoter or organizer who shall fail to file an application at least one (1) day before the trade show or fail to pay the fee when due.
(Ord. 120668 § 30, 2001; Ord. 117002 § 2(part), 1993.)

6.20.050 Relation to annual City business license.

A. A person whose business location is located outside the City, and who (a) has been identified in a listing supplied to the City by the trade show's promoter or organizer under Section 6.20.030, and (b) limits their business activities in Seattle to a trade show ancillary to a convention, shall be exempt from paying the business license fee required by Section 5.55.030 A on account of their business activities at the trade show, or in the event that the participant already has a City business license, from securing a license for a separate business location at the trade show under Section 5.55.030 B, each for the duration of the trade show license.

B. Notwithstanding subsection A above, a participant at a trade show remains subject to the other provisions of Chapters 5.45 or 5.48, as the case may be. If the gross proceeds of sales, value of products, or gross income of the participant on account of his or her business activities at the trade show or elsewhere in Seattle is equal to or exceeds the taxable threshold pursuant to SMC Subsection 5.55.040 D in the tax year, the participant shall obtain a business license and pay the City's business license tax as contemplated by Chapter 5.45.

C. Registration of a participant at a trade show of collectibles for hobbyists sponsored by an association of such collectors or an incorporated association of dealers in such collectibles substitutes for applying for a "used goods dealers" license with respect to transactions at the trade show in that line of collectibles, but not of other objects. The trade show license shall be in lieu of the license and fees required by Sections 6.288.030 and 6.204.080. The participants are subject to Section 6.288.050 (unlawful acts) and Sections 6.288.070 through 6.288.110, inclusive (recordkeeping, reporting to police, police holds, and inspection).
(Ord. 121679 § 15, 2004; Ord. 120668 § 31, 2001; Ord. 118395 § 3, 1996; Ord. 117002 § 2(part), 1993.)

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6.20.060 Relation to Chapter 6.02.

The following sections are expressly inapplicable: Sections 6.02.060; 6.02.190; 6.02.210; 6.02.260; 6.02.300 through 6.02.310; and 6.02.330. Otherwise, Chapter 6.02, the general provisions of this subtitle, applies to this chapter unless a particular section of this chapter modifies its application. (Ord. 117002 § 2(part), 1993.)

6.20.070 Civil infraction.

A. The violation of or failure to comply with any of the provisions of this chapter shall be a civil infraction as contemplated by RCW Chapter 7.80, and as a Class 1 civil infraction under RCW Chapter 7.80.120(a) shall subject the violator to a maximum penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus any statutory assessments. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty.

B. Each day of the trade show shall be a separate offense.

C. The failure to respond to a notice of violation is a separate civil infraction as contemplated by RCW Chapter 7.80, particularly RCW 7.80.080, and as a Class 3 civil infraction under RCW 7.80.120(d) shall subject the violator to a maximum penalty and a default amount of Fifty Dollars (\$50.00).

D. The imposition of a penalty for a civil infraction shall not relieve the promoter or organizer of the trade show of his or her liability for the license fee, but the fee shall be due and payable, with applicable interest, in addition thereto. (Ord. 117002 § 2(part), 1993.)

6.20.100 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 117002 § 2(part), 1993.)

Chapter 6.36

MASSAGE PREMISES AND BATHHOUSES

Sections:

- 6.36.010 Definitions.
- 6.36.020 Massage premises, public bathhouse, and reducing salon licenses.
- 6.36.030 Massage practitioner's license.
- 6.36.040 Athletic massage operator's license.
- 6.36.050 Expiration and continuance of licenses.
- 6.36.060 Exemptions.
- 6.36.070 Massage premises attendant's license.
- 6.36.080 Unlawful to admit certain persons.

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6.36.010 Definitions.

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

- A. "Massage practitioner" means any person, except those excluded by Section 6.36.060 who gives massages or other treatments of the body by rubbing, kneading or manipulation.
- B. "Massage premises" means any place, except a home where only residents therein are treated, where massages or other treatment of the body by rubbing, kneading or manipulation are given or furnished.
- C. "Public bathhouse" means any place open to the public where Russian, Turkish, Swedish, hot air, vapor, electric cabinet or other baths of any kind are given or furnished; provided that such term shall not include ordinary tub baths where an attendant is not required.
- D. "Reducing salon" means any place which utilizes mechanical equipment as the exclusive means of treating the body as distinguished from treatment by rubbing, kneading, or manipulation by another person. (Ord. 114207 § 1, 1988: Ord. 96464 § 1, 1968: Ord. 94625, 1966: Ord. 72529 § 2(part), 1943: Ord. 48022 § 171, 1924.)

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

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

- A. Original application for such licenses shall be made and original licenses issued in the manner provided in Sections 6.02.190 and 6.02.210 of this subtitle. All applications for renewal shall be filed with the Director on forms furnished by him/her for such purpose and he/she shall refer the same to the Chief of Police who shall within five (5) days furnish a written report to the Director containing the result of his/her investigation and any other matters which might aid the Director of Executive Administration in determining whether or not to issue the license.
- B. The fee for a reducing salon or public bathhouse license is Three Hundred Forty Dollars (\$340.00) per year; the fee for a massage premises license is Ninety Dollars (\$90.00) per year.
- C. No such license shall be granted for any massage premises, public bathhouse or reducing salon until inspection and report as to the sanitary condition thereof by the Director of Health to the Director of Executive Administration. Massage premises, public bathhouses, and reducing salons must be similarly inspected at least once a year when renewal of a license is requested, and must at all times be open to inspections by the City as to sanitary conditions and to enforce compliance with the provisions of this chapter.
- D. It is unlawful for the owner, proprietor, manager, or such person in charge of any public bathhouse or reducing salon to employ in such place any person who is not at least eighteen (18) years of age and of good moral character.
- E. It is unlawful for the owner, proprietor, manager, or such person in charge of any massage

premises to employ in such place any person who is not at least eighteen (18) years of age.

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

G. A record of all massage treatments showing the date given, the name and address of the recipient, and the name and address of the massage practitioner shall be kept and be open to inspection by the Police Department and License and Health Department inspectors at all times.
(Ord. 120794 § 162, 2002; Ord. 118395 § 4, 1996; Ord. 117169 § 76, 1994; Ord. 116464 § 2, 1992; Ord. 114207 § 2, 1988; Ord. 113185 § 1(part), 1986; Ord. 112702 § 1, 1986; Ord. 112579 § 1, 1985; Ord. 110888 § 1(part), 1982; Ord. 109502 § 1(part), 1980; Ord. 107157 § 26, 1978; Ord. 106063 § 5, 1976; Ord. 102636 § 61, 1973; Ord. 101388, 1972; Ord. 96464 § 2, 1968; Ord. 94625, 1966; Ord. 88789 § 14, 1959; Ord. 77754, 1949; Ord. 72529 § 2(part), 1943; Ord. 48022 § 172, 1924.)

6.36.030 Massage practitioner's license.

It is unlawful for any person, except as provided in Section 6.36.060, to give a massage or other treatment of the body by rubbing, kneading, or manipulation, whether in a massage premises or public bathhouse, or otherwise, without first obtaining a massage practitioner's license, the fee for which is Thirty-five Dollars (\$35.00) per year. The license application shall be made in the true name of the applicant and shall be accompanied by evidence that the applicant holds a valid State Massage Practitioner's License. If the Director of Executive Administration finds that the information in the application is true and accurate, that the applicant holds a valid State Massage Practitioner's License, and that the applicant has not been convicted of a crime involving or related to prostitution, lewd conduct, or narcotic drugs within the seven (7) years immediately prior to the date of application, the Director shall approve the application and issue the license; otherwise, the Director shall deny the application.

(Ord. 120794 § 163, 2002; Ord. 118395 § 5, 1996; Ord. 117169 § 77, 1994; Ord. 116368 § 189, 1992; Ord. 114207 § 3, 1988; Ord. 113185 § 1(part), 1986; Ord. 110888 § 1(part), 1982; Ord. 109502 § 1(part), 1980; Ord. 107157 § 27, 1978; Ord. 106063 § 6, 1976; Ord. 105734 § 1, 1976; Ord. 102636 § 62, 1973; Ord. 101388, 1972; Ord. 96464 § 3, 1968; Ord. 81479, 1952; Ord. 72529 § 2(part), 1943; Ord. 48022 § 173, 1924.)

6.36.040 Athletic massage operator's license.

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

A. The fee for an athletic massage operator's license is Thirty-five Dollars (\$35.00) per year.

B. Application for an athletic massage operator's license or for any renewal thereof shall be made to the Director of Executive Administration on forms furnished by him/her for such purpose. It shall state the true name of the applicant, who shall be not less than eighteen (18) years of age, and as to an original application shall be accompanied by references as to the moral character and ability of the applicant from four (4) reputable citizens of the City.

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

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

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

(Ord. 120794 § 164, 2002: Ord. 118395 § 6, 1996: Ord. 117169 § 78, 1994; Ord. 113185 § 1(part), 1986; Ord. 110888 § 1(part), 1982: Ord. 107157 § 28, 1978: Ord. 106063 § 7, 1976: Ord. 102636 § 63, 1973: Ord. 96464 § 4, 1968: Ord. 48022 § 173.1, 1924.)

6.36.050 Expiration and continuance of licenses.

All licenses issued pursuant to this chapter shall expire on December 31st of each calendar year; provided, that any massage premises and public bathhouse license issued under any other City ordinance and in effect at the time the ordinance codified in this chapter becomes effective¹ shall continue valid for a period of thirty (30) days after the ordinance codified in this chapter takes effect, and no longer, subject, however, to suspension or revocation as provided by the ordinance under which the same was issued and effective.

(Ord. 114207 § 4, 1988: Ord. 72529 § 2(part), 1943: Ord. 48022 § 175, 1924.)

1. Editor's Note: Ord. 72529 became effective on May 12, 1943; Ord. 114207 was passed by the City Council on October 24, 1988.

6.36.060 Exemptions.

This chapter shall not apply to:

A. Licensed massage practitioners licensed by the State before September 1, 1988, who also hold a valid and current massage operator's license issued by The City of Seattle on or before October 14, 1988, and who are performing services within their authorized scope of practice;

B. Licensed massage practitioners originally licensed by the State on or after September 1, 1988, and who are performing services within their authorized scope of practice;

C. The practice of a profession by individuals who are licensed, certified or registered under the laws of the State, other than Chapter 18.108 RCW pertaining to licensed massage practitioners, and who are performing services within their authorized scope of practice;

D. Massage practiced at the athletic department of any institution maintained by the public funds of the State or any of its political subdivisions;

E. Massage practiced at the athletic department of any school or college approved by the State Department of Licensing by rule using recognized national professional standards.

(Ord. 114207 § 5, 1988: Ord. 96464 § 5, 1968: Ord. 75461, 1946: Ord. 72989, 1943: Ord. 72529 § 2(part), 1943: Ord. 48022 § 176, 1924.)

6.36.070 Massage premises attendant's license.

A. It is unlawful to operate, to assist another in the operation of, to stop or start any mechanical device used by another for health or weight reducing purposes, or to position another using such a device, in any licensed massage premises or reducing salon without a massage premises attendant's license.

B. Applications for and issuance of such licenses shall be in accordance with Section 6.02.210 of this subtitle. The Director shall refer each such application to the Chief of Police, who shall within five (5) days furnish a written report to the Director of the results of his/her investigation, together with such other information as may aid the Director in determining whether the license should be issued or denied.

(Ord. 114207 § 6, 1988: Ord. 110888 § 1(part), 1982: Ord. 107157 § 29, 1978: Ord. 106063 § 8, 1976: Ord. 102636 § 65, 1973: Ord. 94625, 1966: Ord. 86654, 1957: Ord. 48022 § 176.1, 1924.)

6.36.080 Unlawful to admit certain persons.

A. It shall be unlawful for the owner, proprietor, manager or person in charge of any public bathhouse, or for any employee of said place, to harbor, admit, receive or permit to be or remain in or about any such place, any prostitute, any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of intoxicating liquor or narcotic drugs, or any person whose conduct tends in any way to corrupt the public morals.

B. It shall be unlawful for the owner, proprietor, manager or person in charge of any massage premises or for any employee of said place, to harbor, admit, receive or permit to be or remain in or about any such place, any prostitute, any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of intoxicating liquor or narcotic drugs.

(Ord. 114207 § 7, 1988: Ord. 48022 § 178, 1924.)

Chapter 6.38

MERCHANT PATROLMEN

Sections:

6.38.010 Definitions.

6.38.020 Licenses required.

6.38.030 License application.

6.38.040 Surety bond.

6.38.010 Definitions.

A. "Merchants patrol agency" means and includes any person engaged in, or who holds himself out as being engaged in, the business of offering or providing for hire or reward, the service of guarding or protecting persons or property, money, securities and other valuables, or who patrols streets, districts, or territory for such purposes.

B. "Merchant patrolman" means and includes any person employed by a merchants patrol agency to guard or protect persons or property, money, securities or other valuables, or patrol streets, districts, or territory for such purposes.

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(Ord. 94188 § 3, 1965: Ord. 70933, 1941: Ord. 48022 § 260, 1924.)

6.38.020 Licenses required.

A. No merchant patrol agency shall engage in business within the City without a valid merchant patrol agency license, the annual fee for which shall be as follows:

1. For three (3) or fewer merchant patrolmen employed, Eighty Dollars (\$80.00) per year;
2. For four (4) or more merchant patrolmen employed, Three Hundred Twenty-five Dollars (\$325.00) per year.

B. No person shall engage in the occupation of a merchant patrolman without a valid merchant patrolman's license, the annual fee for which shall be Thirty Dollars (\$30.00); provided, that any person holding a valid detective agency license issued under Section 6.14.030 of this subtitle may engage in the activities set forth in Section 6.38.010 without complying with such license requirements. The expiration date for such licenses shall be June 30th of each year. No merchants patrol agency shall employ any person as a merchant patrolman who does not possess a valid and subsisting merchant patrolman's license. Violation of this provision shall constitute grounds for the revocation of a merchants patrolman agency license, in addition to those grounds set forth in Section 6.02.270 of this subtitle.

(Ord. 113185 § 1(part), 1986; Ord. 110888 § 1(part), 1982: Ord. 107157 § 34, 1978: Ord. 106063 § 10, 1976: Ord. 94188 § 4, 1965: Ord. 70933, 1941: Ord. 48022 § 261, 1924.)

6.38.030 License application.

Application for a merchant patrolman's license shall be made to the Director, shall be signed and verified by the applicant, and shall state his/her full name, age, residence, his/her present and previous occupations and the address of the place of business and the name of his/her employer. Before acting upon the application, the Director shall request the Chief of Police to make a full investigation as to the truth of the statements contained therein and as to any and all matters which might tend to aid the Director in determining whether or not to issue the license. The Chief of Police shall, within five (5) days after the date of such request, furnish a written report to the Director containing the results of his/her investigation. If the Director is satisfied that the statements contained in the application are true, that the applicant is of good moral character and has complied with all requirements of this chapter, he/she shall issue the license, otherwise he/she shall deny it. Each such license issued shall bear the photograph of the license holder.

(Ord. 109191 § 2, 1980: Ord. 107157 § 35, 1978: Ord. 102636 § 80, 1973: Ord. 98196, 1969: Ord. 94188 § 5, 1965: Ord. 79080, 1950: Ord. 70933, 1941: Ord. 48022 § 262, 1924.)

Cases: An ordinance licensing merchant patrolmen is not invalid because it requires applicants to be special policemen under an ordinance restricting appointments to residents of the City or because it requires the fingerprinting of applicants. *Surry v. Seattle*, 14 Wn.2d 350, 128 P.2d 322 (1942).

6.38.040 Surety bond.

Every applicant for a merchants patrol agency license shall at the time of application furnish to the Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars (\$2,000.00) conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of merchant patrolman or merchants patrol

agency.

(Ord. 120794 § 165, 2002: Ord. 117169 § 79, 1994: Ord. 116368 § 190, 1992: Ord. 102636 § 81, 1973: Ord. 94188 § 6, 1965: Ord. 48022 § 262-1, 1924.)

Chapter 6.42

PANORAMS AND PEEPSHOWS

Sections:

6.42.010 Panoram location license.

6.42.020 Panoram device license.

6.42.030 License fees.

6.42.040 License application--Report by City departments.

6.42.050 Inspection of panoram premises.

6.42.060 Issuance of licenses.

6.42.070 Suspension or revocation of licenses--Notice--Summary suspension or revocation.

6.42.080 Appeal and hearing--Mandatory stay pending review.

6.42.090 Applicable general provisions of the License Code.

6.42.100 Persons under eighteen years of age prohibited.

6.42.110 Specifications of premises.

6.42.120 Prohibited location.

6.42.130 Unlawful acts.

Cross-reference: For provisions on adult entertainment, see Chapter 6.280 of this Code.

6.42.010 Panoram location license.

It is unlawful to display, exhibit, expose or maintain upon any premises, any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a "panoram" or "peepshow," which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase or other charge is paid for using or viewing the panoram or peepshow or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The Director of Executive Administration shall prescribe the form of such license, number the same and shall indicate thereon the number of such devices to be operated thereunder, and the location. (Ord. 120794 § 166, 2002: Ord. 117169 § 80, 1994: Ord. 114895 § 3, 1989: Ord. 112900 § 3, 1986: Ord. 112719 § 3, 1986: Ord. 102636 § 107, 1973: Ord. 94505, 1966: Ord. 84319 § 2(part), 1955: Ord. 48022 § 330, 1924.)

Cases: The First Amendment was violated by schedule of fees for "panorama" machines and "peepshows" and by the ordinance's share-holder disclosure requirements. *Acorn Investments, Inc. v. City of Seattle*, 857 F.2d 219 (9th Cir. 1989).

Seattle peepshow ordinance held constitutional against contention that it was vague, restrained freedom of speech and denied equal protection. *Bitts, Inc. v. Seattle*, 86 Wn.2d 395, 544 P.2d 1242 (1976).

6.42.020 Panoram device license.

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

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and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

(Ord. 120794 § 167, 2002; Ord. 117169 § 81, 1994; Ord. 114895 § 4, 1989; Ord. 112719 § 4, 1986; Ord. 102636 § 108, 1973; Ord. 94505, 1966; Ord. 90012, 1961; Ord. 84319 § 2(part), 1955; Ord. 48022 § 330.1, 1924.)

6.42.030 License fees.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of
The license year shall be from January 1st to December 31st. All license fees shall be payable on an annual basis. Fees shall be as follows:

A. Panoram location license Eighty-five Dollars (\$85.00) per year for each location;

B. Panoram device license Eighty-five Dollars (\$85.00) per year for each device.
(Ord. 120978 § 1, 2002; Ord. 118395 § 7, 1996; Ord. 116464 § 3, 1992; Ord. 114895 § 5, 1989; Ord. 113185 § 1(part), 1986; Ord. 109502 § 1(part), 1980; Ord. 97286 § 7, 1968; Ord. 90012, 1961; Ord. 84319 § 2(part), 1955; Ord. 48022 § 330.2, 1924.)

6.42.040 License application--Report by City departments.

Any person seeking a panoram location license or panoram device license shall file a written application with the Director for that purpose. The Director, upon presentation of such application and before acting upon the same, shall refer such application to the Police Department, which shall make a full investigation as to the truth of the statements contained therein, and to the Fire Department, the Seattle-King County Health Department and the Department of Construction and Land Use, which shall investigate and provide information to the Director concerning compliance of the premises and devices sought to be licensed with this and other applicable City and state health, zoning, building, fire and safety ordinances and laws.
(Ord. 114895 § 6, 1989; Ord. 112900 § 7(part), 1986.)

6.42.050 Inspection of panoram premises.

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

B. Licensees operating premises and devices licensed under this chapter shall hold open for routine regulatory inspections by the City during normal business hours those areas upon the premises which are accessible to the public.
(Ord. 117169 § 82, 1994; Ord. 112900 § 7(part), 1986.)

6.42.060 Issuance of licenses.

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

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See ordinances created in corresponding sections for code text, graphics, and tables to confirm accuracy of this file.
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, and 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 has not had a panoram location, or panoram device license revoked by the City within two (2) years of the date of the application; and
 4. That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of eighteen (18) years.

B. The decision of the Director regarding issuance of any license shall be rendered within thirty (30) days of the date of filing of the application.
(Ord. 114895 § 7, 1989; Ord. 112900 § 7(part), 1986.)

6.42.070 Suspension or revocation of licenses--Notice--Summary suspension or revocation.

A. After an investigation and upon the recommendation of the Chief of Police, Director of the Department of Construction and Land Use, Fire Chief or the Director of the Seattle-King County Health Department, the Director may, upon thirty (30) days' notice, temporarily or permanently suspend or revoke any license issued pursuant to this chapter where the Director finds that one (1) or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the Director;
2. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements of the applicable health, zoning, building, fire and safety laws of the State of Washington, and ordinances of the City of Seattle and the requirements of this chapter; or
3. The licensee, his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted in or upon the panoram premises, any violations of, or act made unlawful under, this chapter.

B. If the Director finds that any condition set forth in subsection A of this section exists, and that such condition constitutes an immediate threat of serious injury or damage to person or property, the Director may immediately suspend or revoke any license issued under this chapter without prior opportunity to be heard, in which event the licensee shall be entitled to a hearing in accordance with Section 6.42.080 of this chapter. The notice of immediate suspension or revocation of license given pursuant to this subsection shall set forth the basis for the Director's action and the facts supporting the Director's finding regarding the condition found to exist that constitutes an immediate threat of serious injury or damage to person or property.

C. If the Director finds that a condition of noncompliance previously found to exist under subsections A2 or A3 of this section has been corrected and is unlikely to be repeated, the Director may modify or withdraw any prior decision he/she made to revoke or suspend a license issued under this chapter. (Ord. 112900 § 7(part), 1986.)

6.42.080 Appeal and hearing--Mandatory stay pending review.

A. Any person aggrieved by the action of the Director in refusing to issue or renew any license under this chapter or in temporarily or permanently suspending or revoking any license issued under this chapter shall have the right to appeal such action to the Hearing Examiner by filing a notice of appeal with the Director within ten (10) days of receiving notice of the action from which appeal is taken.

B. The Hearing Examiner, upon receipt of a timely notice of appeal, shall set a date for hearing such appeal. The Examiner shall hear testimony, take evidence, and may hear oral argument and receive written briefs. Except in cases of summary suspension or revocation of licenses because of immediate threat of serious injury or damage to person or property pursuant to Section 6.42.070 B of this chapter, the filing of such appeal shall stay the action of the Director, pending the decision of the Hearing Examiner. If the Department denies a license application, and if the license applicant files a notice of appeal with the Hearing Examiner, the Director shall immediately issue the license applicant a temporary license. The temporary license shall authorize the license applicant to operate a panoram in the same manner as if the license had been granted, pending the Hearing Examiner's decision. If a license applicant is issued a temporary license, the license applicant shall pay the fee charged for a panoram license under SMC Section 6.42.030 at the time the applicant receives the temporary license. If the temporary license issued under this subsection is still in effect at the end of a calendar year, then the license applicant must pay the fee charged for a panoram license under SMC Section 6.42.030 for the next calendar year.

1. If the Hearing Examiner affirms the Director's license denial, the temporary license shall remain in effect pending a motion for reconsideration before the Hearing Examiner and, in addition (a) if the license applicant does not timely file for judicial review, then only until the expiration of the time allowed to file an application for a writ of review under Chapter 7.16 RCW; or (b) if the license applicant does timely file an application for a writ of review, then only until the court either issues a writ or denies the writ application.
2. If the Hearing Examiner dismisses the license denial with prejudice, the Department shall immediately issue a panoram license.
3. If the Hearing Examiner dismisses the license denial without prejudice, the temporary license shall remain in effect the five (5) additional business days, at the end of which time the Department must either reissue a denial or issue a panoram license. If the Director reissues the denial, then the temporary license will continue in effect according to the procedures set forth in subsection B of this section.

C. In the conduct of such hearing the Hearing Examiner shall have authority to issue subpoenas for the attendance of witnesses and/or production of documents, hold conferences for the settlement or simplification of issues, administer oaths and affirmations, examine witnesses, receive and rule upon the

admissibility of evidence, and take notice of judicially cognizable facts and other general, technical or scientific facts within his or her specialized knowledge. In ruling upon the admissibility of evidence, the Hearing Examiner shall give effect to rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence, but may admit and consider any evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

D. The decision of the Hearing Examiner on an appeal from a decision of the Director shall be based upon a preponderance of the evidence. The burden of proof shall be upon the Director.

E. The Director shall stay enforcement of a decision of the Hearing Examiner affirming suspension or revocation of a license pending a motion for reconsideration before the Hearing Examiner, and shall stay enforcement of such decision (1) if no application for judicial review is timely filed, then only until the expiration of time allowed to file such application under RCW Chapter 7.16; or (2) if an application for judicial review is timely filed, then only until a writ is issued or the application for writ has been denied. (Ord. 117585 § 1, 1995; Ord. 112900 § 7(part), 1986.)

6.42.090 Applicable general provisions of the License Code.

A. The provisions included in Seattle Municipal Code Chapter 6.02 are applicable to the administration and enforcement of all licenses required by this chapter, except that the following sections are not applicable to this chapter: Seattle Municipal Code Sections 6.02.080, 6.02.190, 6.02.200, 6.02.210, 6.02.220, 6.02.240, 6.02.250, 6.02.270, 6.02.290, 6.02.300 and 6.02.310.

B. If provisions in the specific licensing regulations of this chapter are inconsistent with the provisions of Seattle Municipal Code Chapter 6.02, the provisions in the specific licensing regulations of this chapter shall control. (Ord. 112900 § 7(part), 1986.)

6.42.100 Persons under eighteen 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 a panoram location license is required.

B. It is unlawful for any owner, operator, manager, or other person in charge of premises for which a panoram location 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. 112900 § 4, 1986; Ord. 112719 § 5, 1986; Ord. 84319 § 2(part), 1955; Ord. 48022 § 330.3, 1924.)

6.42.110 Specifications of premises.

A. Aisle Width. Except as provided in subsection D of this section pertaining to premises having a preexisting nonconforming aisle width, the interior of the panoram or peepshow premises shall be arranged in such a manner so that each booth or stall therein is entered from a continuous main aisle at least six (6) feet in width.

B. View of Interior. The view from the continuous main aisle of any person inside a booth or stall

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shall not be obstructed except by a door, curtain or other screening device of no greater dimensions than that permitted in this section; and in no event may the view from the continuous main aisle into the booth or stall be obstructed, or the booth or stall be designed, in such a way as to prevent the determination of the number of persons therein.

C. Line of Sight. A line of sight unobstructed by any door, curtain or other screening device shall be provided from a point beginning sixty (60) inches in front of and sixty-six (66) inches above the center of the entrance to the booth or stall, to a line two (2) inches above the entire bottom of the back wall of the booth or stall.

D. Line of Sight--Preexisting Aisle Widths. Premises having any continuous main aisle less than six (6) feet in width as of June 1, 1986, but which is in compliance with applicable Seattle Building Code requirements and specifications as of that date for such aisle, may comply with the minimum aisle width and line of sight requirements in subsection C of this section by providing an unobstructed line of sight from a point beginning twelve (12) inches out from the aisle wall directly across from the center of the entrance to the booth or stall and sixty-six (66) inches above the aisle floor, to a line two (2) inches above the entire bottom of the back wall of the booth or stall.

E. Booth Doors--Minimum Height From Floor. In addition to providing an unobstructed line of sight as required by subsections C and D of this section, the bottom of any door, curtain or screening device shall be not less than twenty-four (24) inches above the floor of the panoram booth or stall.

F. Seating. No panoram booth or stall having a door, curtain or other screening device at its entrance shall contain any chair or other seating surface unless the door, curtain or screening device has, at a location between sixty-six (66) inches and seventy-eight (78) inches above the floor, an opening twelve (12) inches in height and at least twenty-four (24) inches in width which provides an unobstructed view through either open space or clear and clean window glass, to the side walls and back wall of the booth or stall. Any chair or seating surface in such panoram booth or stall shall not provide a seating surface more than eighteen (18) inches in either length or width and shall not be higher than the bottom of the door, curtain or other screening device. The cumulative width of the legs or support for each such chair or seating surface shall not obstruct more than five (5) horizontal inches of the sight line required by subsections C and D of this section and there shall be no more than one (1) such chair or seating device in any panoram booth or stall.

G. Floors. The entire floor area of a panoram booth or stall must be level with the continuous main aisle. No steps or risers are allowed in any such booth or stall.

H. Locked Doors. The licensee shall not permit any doors to public areas on the premises to be locked during business hours.

I. Illumination. The licensee shall maintain illumination generally distributed in all parts of the premises available for use by the public, in compliance with the Seattle Building Code,¹ at all times when the panoram is open or when any member of the public is permitted to enter and remain therein. Illumination within each panoram booth or stall must be sufficient to allow the determination of the number of persons therein by viewing from a continuous main aisle as provided in subsections C, D and F of this section.

J. Signs. The licensee shall permanently post and maintain on the interior and exterior of each

booth or stall on the panoram premises a sign stating:

Occupancy of this booth is at all times limited to only one person. Violators are subject to criminal prosecution under Seattle Municipal Code 6.42.130.

Each sign shall be conspicuously posted. The letters and numerals shall be on a contrasting background and be no smaller than three-fourths () inch in height.

K. **Warning Devices.** The licensee shall not operate or maintain any warning system or device, of any nature or kind, for the purpose of warning customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that police officers or City health, fire, licensing or building inspectors are approaching or have entered the licensee's premises.

L. **Ventilation and Other Holes.** All ventilation devices between booths and stalls must be covered by a permanently affixed ventilation cover. Ventilation holes may be located only within one (1) foot from the top of the wall of the panoram booth or stall or within one (1) foot from the bottom of the walls of the booth or stall. The licensee shall not permit any other holes or openings between the booths or stalls.

(Ord. 118713 § 1, 1997; Ord. 112900 § 5, 1986; Ord. 112719 § 6, 1986; Ord. 108289 § 1, 1979; Ord. 101777 § 1, 1973; Ord. 84319 § 2(part), 1955; Ord. 48022 § 330.6, 1924.)

1. Editor's Note: The Building Code is codified in Subtitle I of Title 22 of this Code.

6.42.120 Prohibited location.

No location license shall be issued for, nor shall any such device as described in Section 6.42.010 be used or operated in, any building or place within three hundred (300) feet of the grounds or building of any public or private elementary or secondary school.

(Ord. 112900 § 6, 1986; Ord. 84319 § 2(part), 1955; Ord. 48022 § 330.4, 1924.)

6.42.130 Unlawful acts.

A. A panoram booth or stall subject to the requirements of this chapter may only be occupied by one (1) person at any one (1) time. It is unlawful for any person to occupy such a booth or stall at the same time it is occupied by any other person. The meaning of the word "occupy" shall include the presence of the person, or the insertion of any part of his or her body or any instrument held by him or her.

B. It is unlawful to stand or kneel on any chair or seating surface in a panoram booth or stall.

C. It is unlawful for any owner, operator, manager, employee or other person in charge of premises for which a panoram location license is required, to warn, or aid and abet the warning of, customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that police officers or city health, fire, licensing or building inspectors are approaching or have entered the licensee's premises. (Ord. 118713 § 2, 1997; Ord. 112900 § 7(part), 1986.)

Chapter 6.48

PUBLIC GARAGE OR PARKING LOT

For current SMC, contact
the Office of the City Clerk

Sections:

- 6.48.010 Definitions.
- 6.48.020 License required--Fee.
- 6.48.030 Duty toward safety, reports, and inspections.
- 6.48.040 Signs--Posting of rates.
- 6.48.050 Immobilization of vehicle for delinquent parking fee.
- 6.48.060 Obstruction of egress from garage or lot.
- 6.48.070 Removal of vehicle.
- 6.48.080 Revocation, suspension or refusal to issue license.
- 6.48.090 Exits.
- 6.48.100 Numbers on parking stalls.

6.48.010 Definitions.

- A. "Accessory parking facility," as used in this chapter, includes any public garage or parking lot, not more than four thousand (4,000) square feet in size, to which there are multiple entrances, and in or upon which the parking, storage and keeping of motor vehicles is accessory to another business conducted on such public garage or parking lot premises.
- B. For purposes of interpreting Sections 6.48.040 through 6.48.080, the terms "agent," "employee," or "contractor," shall include but not be limited to any person, firm, partnership, or corporation immobilizing vehicles on public garage or parking lot premises or removing vehicles from public garage or parking lot premises with the express, implied, written, or unwritten permission of the licensee, whether for compensation by wage, salary, piece rate, commission or not at all.
- C. "Indoor parking facility," as used in this chapter, includes any public garage or parking lot in which all of the motor vehicles are parked, stored or kept indoors.
- D. "Public garage or parking lot," as used in this chapter, includes any room, building, shed, enclosure, outdoor space, uncovered plot, lot, parcel, yard or other place open to the public, where motor vehicles are parked, stored or kept, and a charge is made for such parking, storing, or keeping. (Ord. 105177 § 1, 1975: Ord. 104297 §§ 1 and 5(part), 1975: Ord. 48022 §§ 146 and 148-F, 1924.)

6.48.020 License required--Fee.

It is unlawful for any person to own, operate, or maintain a public garage or parking lot without first having obtained a license to do so. The fee for such license is hereby fixed at the rate of Ninety Dollars (\$90) per year for each one thousand (1,000) square feet of floor or ground space contained in such parking garage or parking lot and used for parking or storage purposes. (Ord. 120978 § 2, 2002: Ord. 118395 § 8, 1996: Ord. 116464 § 4, 1992: Ord. 113185 § 1(part), 1986: Ord. 110888 § 1(part), 1982: Ord. 109502 § 1(part), 1980: Ord. 104297 § 2, 1975: Ord. 83500 § 4, 1954: Ord. 48022 § 147, 1924.)

6.48.030 Duty toward safety, reports, and inspections.

- A. It is the duty of any person operating and maintaining a public garage or parking lot to keep such garage or parking lot as free as practicable from fire hazard, and to comply with all laws relating to buildings, health and sanitation.

For current SMC, contact
the Office of the City Clerk

B. It is unlawful for the owner of a public garage or parking lot, or any agent or employee of such owner to refuse admission to any public officer for the purpose of inspecting any and all motor vehicles parked, kept or stored therein, or to fail, neglect or refuse to notify the Police Department of the presence of any such vehicle believed to have been stolen, or of any indication that any other crime or violation has been committed, or is about to be committed, by persons bringing a motor vehicle into a public garage or parking lot. (Ord. 104297 § 3, 1975; Ord. 48022 § 148, 1924.)

6.48.040 Signs--Posting of rates.

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

1. The word "park" or "parking" shall be clearly displayed on the sign, and the true or assumed name of the licensee shall be clearly identified at the top or the bottom of the sign, and such signs shall contain no other advertising. Any licensee using a trade or assumed name shall, when applying for a license or renewal thereof, furnish the Director with a certified copy of the filing with the County Clerk showing such trade or assumed name.
2. Signs shall contain numbers and letters indicating the time units and rate or rates for parking which are clearly readable and visible from a distance of fifty (50) feet; provided, that, if a rate charged for any time period is higher than the rate usually charged for that time period the higher rate shall be designated on a sign in letters and numbers not less than one and one-third (1/3) times the size of the largest letter or numeral indicating the rate usually charged, and the sign shall clearly indicate that a special rate is being charged.
3. Signs indicating more than one (1) rate and time interval shall contain figures for each rate and time interval; rates shall be listed with the shortest time interval on the top and the all-day rate on the bottom.
4. Signs shall indicate any hours when the public garage or parking lot is not open for public parking and shall specify the night parking rate or weekend parking rate when such rate(s) differ from regularly posted rates.
5. Signs shall indicate specific hours when a night rate is applicable and/or specific days and hours when a weekend rate is applicable.
6. If any rate other than an all-day rate is to be charged, the maximum rate for all-day parking must be posted.
7. All numbers and letters on such signs shall be of a contrasting color to the background thereon.
8. The bottom line of rate information shall be at least six (6) feet above the sidewalk level; provided that it may be lower if rate information cannot be obstructed at any time.

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

1. Such signs are clearly readable and visible from a point within the indoor parking facility and from which point a motor vehicle can immediately and conveniently exit;
2. Such signs conform to the standards set forth in paragraphs 1 through 7 of subsection A, and in addition contain a statement indicating the immediate exit to be taken by a driver desiring to leave after reading the sign; and
3. No charge is demanded or collected for any motor vehicle which immediately exits following the reading of such a sign.

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

1. Each such sign is clearly readable and visible from all points within each such area; and
2. Each such sign conforms to the standards set forth in paragraphs 1 through 8 of subsection A.

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

E. It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot unless there is posted and maintained upon the premises of the public garage or parking lot at or near each place of payment, a public notice approved by the Director of Executive Administration. Such notice shall contain the following public convenience information:

1. The name and phone number of the licensee and the street address of the garage or lot;
2. Parking rates posted in the same order as listed on the parking sign;
3. The appropriate locations for making payment;
4. The name, address, and telephone number of the person, firm or agent authorized to impound in place or remove vehicles from the garage or lot; and
5. Any other information pertinent to the operation of the public garage or parking lot as specified by administrative regulations promulgated by the Director of Executive Administration.

(Ord. 120794 § 168, 2002; Ord. 117169 § 83, 1994; Ord. 106967 § 1, 1977; Ord. 105177 § 2, 1975; Ord. 104297 §§ 4 and 5(part), 1975; Ord. 91059, 1962; Ord. 48022 §§ 148-A and 148-B, 1924.)

6.48.050 Immobilization of vehicle for delinquent parking fee.

- A. It is unlawful for anyone to remove or cause to be removed any part from a motor vehicle to immobilize such motor vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize any motor vehicle parked or stored in a public garage or parking lot in any manner except as provided in this section.
- B. For enforcement of a storage lien for parking, keeping or storing such motor vehicle, any licensee, or an employee, agent or contractor of such licensee may immobilize such motor vehicle only by the attachment of such external device or devices, approved by the Director of Executive Administration for such purpose, as may be necessary to prevent removal of such vehicle and only if:
1. The person so immobilizing the vehicle shall affix conspicuously to the vehicle a written notice stating the name and address of the person or firm who immobilized the vehicle and the address and telephone number of a person authorized and available to release the vehicle; and
 2. The person immobilizing the vehicle, or an agent, employee, or contractor authorized to release the vehicle is accessible at all times at the address and telephone number indicated on the notice; or
 3. The licensee or an agent, employee, or contractor of such licensee is on the premises authorized and able to release the vehicle within one (1) hour after the vehicle's owner, operator, or person entitled to its possession shall request its release; and
 4. The vehicle is released immediately after tender of payment of posted parking charges due and unpaid at the time of the request for release together with the posted impound fee.

(Ord. 120794 § 169, 2002; Ord. 117169 § 84, 1994; Ord. 104297 § 5 (part), 1975; Ord. 48022 § 148-C, 1924.)

6.48.060 Obstruction of egress from garage or lot.

It is unlawful to allow or permit motor vehicles to be parked, kept or stored in a public garage or parking lot in any manner which would prevent the removal of such vehicle or any other vehicle from the garage or lot unless the licensee, or an agent, employee, or contractor of such licensee shall remain in attendance on the premises at all times when any vehicle is parked in such manner.

(Ord. 104297 § 5 (part), 1975; Ord. 48022 § 148-D, 1924.)

6.48.070 Removal of vehicle.

It is unlawful for any licensee, or any agent, employee, or contractor of such licensee to remove a vehicle from a public garage or parking lot unless the person authorized to release the vehicle is accessible at all times at the address and telephone indicated on the public information notice as specified in Section 6.48.060.

(Ord. 104297 § 5 (part), 1975; Ord. 48022 § 148-E, 1924.)

6.48.080 Revocation, suspension or refusal to issue license.

In addition to such other grounds as may be provided in this subtitle for refusal to issue, revocation or

suspension of the license required by Section 6.48.020, the Director of Executive Administration may refuse to issue, or may revoke or suspend such license upon a finding that a licensee has by defraud or misrepresentation, violated any provision of this chapter or any other law, ordinance, rule or regulation.

(Ord. 120794 § 170, 2002; Ord. 117169 § 85, 1994; Ord. 104297 § 5 (part), 1975; Ord. 48022 § 148-G, 1924.)

6.48.090 Exits.

Each exit from a public garage or parking lot shall be clearly marked.

(Ord. 106967 § 2, 1977; Ord. 105177 § 3 (part), 1975; Ord. 48022 § 148-H, 1924.)

6.48.100 Numbers on parking stalls.

It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in any public garage or parking lot in which motor vehicles park in numbered stalls, payments are placed in correspondingly numbered slots, and receipts are not dispensed to patrons, unless the numbers marked on the parking stalls are clearly readable by persons parking therein.

(Ord. 105177 § 3 (part), 1975; Ord. 48022 § 148-I, 1924.)

Chapter 6.68

PENALTY

Sections:

6.68.010 Violation--Penalty.

6.68.020 Liability for violation.

6.68.010 Violation--Penalty.

Unless otherwise specifically provided for elsewhere in this subtitle, any person violating or failing to comply with any of the provisions of this subtitle shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300), or by imprisonment in the City Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

(Ord. 121932 § 21, 2005; Ord. 48022 § 245, 1924.)

6.68.020 Liability for violation.

Every person concerned in any act or omission in violation of this subtitle, whether he directly performs or omits to perform any act in violation of this subtitle, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be, a principal under the terms of this subtitle and shall be proceeded against and prosecuted as such.

(Ord. 48022 § 246, 1924.)

Subtitle II

Further Regulatory Licenses

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the Office of the City Clerk

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This subtitle is intended for those provisions of the Code regarding regulatory licenses that are not a part of the original License Code (Ord. 48022) codified in Subtitle I.

Subtitle III

Miscellaneous Business Regulations

Chapter 6.96

BUSINESS OWNER REGISTRATION

Sections:

6.96.015 Business owner identification for emergencies.

6.96.020 Violation--Penalty.

6.96.015 Business owner identification for emergencies.

A. An emergency contact telephone number of the owner, manager, or person in charge of every business establishment, who has authority and is able to enter such establishment when it is unoccupied or not open to the public, shall be placed in a location which is easily observable from the outside of the business premises. In the alternative, the name of an emergency contact service which has the ability to contact the owner, manager, or person in charge of the business establishment shall be placed in a location which is easily observable from the outside of the business premises.

B. Any individual, corporation or organization providing emergency contact service to business establishments shall provide its name, address and telephone number to the Chief of Police.
(Ord. 112293 § 1, 1985: Ord. 111751 § 2, 1984.)

6.96.020 Violation--Penalty.

A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.
(Ord. 104563 § 1, 1975: Ord. 71614 § 2, 1942.)

Chapter 6.98

HOTEL REGISTERS

Sections:

6.98.010 Definitions.

For current SMC, contact
the Office of the City Clerk

6.98.020 Registration of guests.

6.98.030 Violation--Penalty.

Statutory Reference: For statutory provisions on hotels, lodging houses, etc., see RCW Ch. 19.48.

6.98.010 Definitions.

For the purposes of this chapter the word "hotel" shall in addition to its ordinary and statutory meaning, mean and include any building or place maintained and conducted for the purpose of furnishing lodging, or lodging and food to permanent or transient guests; and the word "guest" in addition to its ordinary meaning, means and includes anyone renting a lodging place, with or without a written contract or lease, either permanent or transient, in a "hotel."

(Ord. 91072 § 1, 1962.)

6.98.020 Registration of guests.

Everyone operating, managing or keeping a hotel as defined in Section 6.98.010 shall require each guest at the time of his arrival to sign in ink his true name and provide his true address on a register kept for that purpose and shall keep such register as a permanent record and mark thereon the time and date of the guest's arrival and departure; provided that a husband may sign the register for his wife and family. Such record shall be kept available for inspection by any peace officer at any reasonable time, or in a police emergency at any time of day or night. No guest shall write or cause to be written in a hotel register any name other than his true name or the name by which he is generally known.

(Ord. 91072 § 2, 1962.)

6.98.030 Violation--Penalty.

Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof be punished by a fine of not over Three Hundred Dollars (\$300) or imprisonment in the City Jail for not over ninety (90) days, or by both such fine and imprisonment.

(Ord. 91072 § 3, 1962.)

Chapter 6.100

MECHANICAL MUSIC MACHINES

Sections:

6.100.010 Definitions.

6.100.020 Gambling and indecent reproductions prohibited.

6.100.030 Disturbance of peace prohibited.

6.100.040 Violation--Penalty.

6.100.010 Definitions.

The phrase "mechanical musical machine" as used in this chapter means any machine or device so constructed or installed that music, songs, speeches, or any sound on film is reproduced through a mechanical speaker in a public place.

(Ord. 71881 § 1, 1942.)

For current SMC, contact
the Office of the City Clerk

6.100.020 Gambling and indecent reproductions prohibited.

Except as authorized by or pursuant to RCW Chapter 9.46, it is unlawful to play, or to make available for play in public any mechanical musical machine which is or can be used for gambling or for playing thereon a game of chance, or to play or reproduce, or to allow to be played or reproduced thereon in public, any indecent music, speeches, reproductions or pictures.
(Ord. 102835 § 8, 1973: Ord. 102458 § 9, 1973: Ord. 71881 § 2, 1942.)

6.100.030 Disturbance of peace prohibited.

It is unlawful to use or operate, or permit to be played, used or operated, any mechanical music machine in such a manner as to disturb the peace, quiet or comfort of occupants of adjacent or neighboring premises, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or chamber in which such machine is operated.
(Ord. 85801 § 1, 1956: Ord. 71881 § 2A, 1942.)

6.100.040 Violation--Penalty.

Violation of, or failure to comply with any of the provisions of this chapter shall subject the offender to a fine not to exceed Three Hundred Dollars (\$300), or to imprisonment in the City Jail for not to exceed ninety (90) days, or to both such fine and imprisonment.
(Ord. 71881 § 3, 1942.)

Chapter 6.102

TATTOOING

Sections:

- 6.102.010 Compliance with chapter required.
- 6.102.020 License required--Posting.
- 6.102.030 License fee.
- 6.102.040 Late renewal fee.
- 6.102.050 Requirements for building and operator.
- 6.102.060 Tattooing procedure regulations.
- 6.102.070 Recordkeeping.
- 6.102.080 Unlawful tattooing of minors.
- 6.102.090 Revocation or suspension of license.
- 6.102.100 Violation--Penalty.

6.102.010 Compliance with chapter required.

It shall be unlawful to operate a tattooing shop, business or establishment or to do or practice tattooing without complying with the provisions of this chapter.
(Ord. 80818 § 1, 1952.)

6.102.020 License required--Posting.

It is unlawful to operate a tattoo shop or establishment without a tattoo shop license. Applications for such license shall be made to the Director of Executive Administration accompanied by the required fee, and

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See ordinances creating and amending
Sections for full text, graphics,
and maps.
shall be referred to the Chief of Police and the Director of Public Health and shall be returned to the Director within ten (10) days with their report and recommendation. No tattoo shop license shall be issued by the Director except on recommendation of such officers. The tattoo shop license shall at all times be posted in a conspicuous place in the licensed shop.

(Ord. 120794 § 171, 2002: Ord. 117169 § 94, 1994: Ord. 107158 § 14, 1978: Ord. 105007 § 3, 1975: Ord. 102627 § 3, 1973: Ord. 80818 § 8, 1952.)

6.102.030 License fee.

License fees shall be annual and licenses may be renewed upon payment of the annual fee. The annual fee for a tattoo shop license shall be Five Hundred Thirty Dollars (\$530.00). All licenses shall expire on February 28th but where application for license is made less than six (6) months before such date of expiration the amount of the fee shall be one-half (1/2) of the annual fee. The tattoo shop license shall designate the place of operation and may be transferred to a new location upon payment of ten percent (10%) of the annual fee. No license shall be issued under this chapter to any person under eighteen (18) years of age. It shall be unlawful to practice as a tattoo operator except in a licensed tattoo shop.

(Ord. 118395 § 9, 1996: Ord. 116464 § 6, 1992: Ord. 113185 § 1(part), 1986: Ord. 110888 § 1(part), 1982: Ord. 105007 § 4, 1975: Ord. 80818 § 9, 1952.)

6.102.040 Late renewal fee.

A. Any person who has held a license in the previous year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty (30) days into the new license year: ten percent (10%) of the annual license fee or Ten Dollars (\$10.00), whichever is greater;
2. If the renewal application is received after thirty (30) days into the new license year: twenty percent (20%) or Twenty-five Dollars (\$25.00), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's records, loss of business records due to theft, fire, flood or other similar acts.

(Ord. 106025 § 3, 1976: Ord. 80818 § 9-A, 1952.)

6.102.050 Requirements for building and operator.

Every shop or establishment where tattooing is done shall be subject to the following regulations:

A. It shall be well ventilated and of sufficient size to accommodate the required equipment and business done therein, and subject to the approval of the Director of Public Health in such respects.

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B. It shall not be located in or operated as a part of any place where intoxicating liquor is stored, served or sold.

C. It shall be provided with artificial light sources equivalent to at least ten (10) footcandles at a distance of thirty inches (30") from the floor throughout the room and at least twenty-five (25) footcandles at the patron level in the portion of the shop or establishment where the tattooing operation is performed.

D. Walls and ceilings shall be clean, tight, in good repair and shall be painted or otherwise finished at such intervals as will maintain the surface in a clean and sanitary condition.

E. Floors shall be constructed or covered with a smooth water-impervious material and shall be maintained in a clean and sanitary condition at all times. Floors shall be swept and wet-mopped at least once daily or oftener if necessary.

F. A sink with hot and cold running water, soap and sanitary towels shall be located in the room where tattooing is done.

G. Toilet, urinal and hand-washing basin shall be conveniently located and accessible to patrons and operators.

H. Sufficient cabinets shall be provided for the storage of supplies and materials and the same shall be maintained in a clean and sanitary condition.

I. Sufficient facilities shall be provided for the disposition of cigarette butts and other debris.

J. Spitting on the floor shall be prohibited and signs posted to that effect. All needles, instruments and other equipment used shall be maintained in a clean and sanitary condition at all times. The tattooing unit shall be dismantled at the close of the day's operation or oftener if necessary, and the stencils, needles and tubes thoroughly cleaned by the use of a brush, soap and hot water, and an approved disinfectant.

K. All operating instruments when not in use shall be kept in a disinfectant solution approved by the Director of Public Health.

L. All cabinets and tables shall be constructed of easily cleanable material and of light-colored washable finish.

M. All operators while tattooing shall wear clean light-colored washable covering garments.

N. Each operator shall wash his hands with liquid or granulated soap or equivalent as approved by the Director of Public Health and hot water before beginning any tattooing operation. An individual brush shall be used by each operator. After washing hands as required in this subsection the operator shall rinse his hands in a bowl of antiseptic solution approved in writing by the Director of Public Health. The operator's fingernails shall be kept clean and short.

(Ord. 80818 § 2, 1952.)

6.102.060 Tattooing procedure regulations.

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The following additional regulations shall be complied with:

A. Tattooing shall be done only on normal healthy skin surface. No tattooing shall be done on scar tissue. No tattoo operator shall remove any tattoo marks.

B. Safety razors with individual blades for each patron shall be used for preparation of the areas to be tattooed whenever possible. If a straight-edged razor is used it shall be thoroughly cleaned and sterilized following use on any patron.

C. Before shaving, the area to be tattooed shall be thoroughly cleaned with tincture of green soap (U.S.P.) or its equivalent as approved by the Director of Public Health. After shaving the area to be tattooed, seventy percent (70%) alcohol (rubbing alcohol) must be applied to the skin.

D. Only carbolated vaseline or its equivalent as approved by the Director of Public Health shall be used on the area to be tattooed.

E. All dyes used shall be mixed with alcohol or a stock solution of phenolized listerine which is made by adding one (1) teaspoon of liquefied phenol (carbolic acid ninety percent (90%) to one (1) pint of listerine. All dyes used shall be manufactured by a reputable dye manufacturing company and used without adulteration of the manufacturer's original formula.

F. Excess dye shall be removed from the skin with an individual sterile gauze, sterile cotton, or sterile napkin. The completed tattoo shall be washed with a piece of sterile gauze or cotton saturated with a solution of tincture of green soap or equivalent as approved by the Director of Public Health and disinfected with seventy percent (70%) alcohol. The tattooed area shall be allowed to dry and carbolated vaseline or its equivalent as approved by the Director of Public Health and sterile gauze applied.

G. Printed or mimeographed instructions approved by the Director of Public Health shall be given to each patron on the care of the skin as a precaution against infection after tattooing.
(Ord. 80818 § 3, 1952.)

6.102.070 Recordkeeping.

Permanent records for each patron shall be maintained by the operator of the tattoo shop. Before any tattooing operation starts, the patron shall be required personally to enter on a record form provided for such shop the date, his name, age, serial number if he is a serviceman, and his signature. Such records shall at all times be maintained in the tattoo shop and shall be open at all reasonable times to examination by the Chief of Police and Director of Public Health or the Director of Executive Administration. The tattoo operator shall issue a receipt to each patron containing the name and address of the tattoo shop, and the signature of the operator. When the shop is closed by going out of business or by license revocation all such records shall be turned over to the Director of Public Health.

(Ord. 120794 § 172, 2002: Ord. 117169 § 95, 1994: Ord. 105007 § 2, 1975: Ord. 102627 § 2, 1973: Ord. 80818 § 6, 1952.)

6.102.080 Unlawful tattooing of minors.

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It shall be unlawful to tattoo any person under the age of eighteen (18) years without the written consent of his parent or guardian, and such written consent shall be kept on file for at least two (2) years in the tattoo shop where the operation is performed. Where there is doubt about such age the operator shall before the operation is performed obtain proof thereof.
(Ord. 80818 § 7, 1952.)

6.102.090 Revocation or suspension of license.

The Director of Executive Administration may revoke or suspend for a specified period any license issued under this chapter for violation of any provision thereof; and shall do so upon recommendation of the Director of Public Health for such reason.
(Ord. 120794 § 173, 2002: Ord. 117169 § 96, 1994: Ord. 105007 § 1, 1975: Ord. 102627 § 1, 1973: Ord. 80818 § 5, 1952.)

6.102.100 Violation--Penalty.

Violation of or failure to comply with the provisions of this chapter shall subject the offender to a fine of not to exceed Three Hundred Dollars (\$300.00) or imprisonment in the City Jail for not to exceed ninety (90) days or to both such fine and imprisonment.
(Ord. 80818 § 10, 1952.)

Subtitle IV

New License Code

Chapter 6.202

GENERAL PROVISIONS

Sections:

- 6.202.010 Adopted.
- 6.202.020 Construction.
- 6.202.030 Title.
- 6.202.040 Exercise of power to license for regulation.
- 6.202.050 Applicability.
- 6.202.060 Definitions.
- 6.202.070 Administration and enforcement.
- 6.202.080 Rules and regulations.
- 6.202.090 Computation of time.
- 6.202.100 License--Issuance.
- 6.202.110 License--Objection or protest to issuance.
- 6.202.120 License--Nontransferable--Exception.
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- 6.202.160 License--Indicia property of City--Return.
- 6.202.170 License--Required for each location.
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- 6.202.200 License fee--Proration.
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- Seattle Municipal Code
Draft 6/26/16 code update file
This is for historic reference only.
For complete text, graphics,
and to confirm accuracy of
source file.
- 6.202.220 License fee--Payment by bad check.
 - 6.202.230 License--Denial, suspension or revocation--Grounds.
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 - 6.202.270 License--Denial, suspension or revocation--Appeal.
 - 6.202.280 Continuation of business while complaint hearing decision pending.
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 - 6.202.410 Bond--Claims against.
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 - 6.202.430 Bond--Time to make claim.
 - 6.202.440 Bond--Exoneration.
 - 6.202.450 Bond--Not retroactive.
 - 6.202.460 Liability insurance.
 - 6.202.470 Penalty for violation.
 - 6.202.480 Endorsement disclaimer.
 - 6.202.490 Disclaimer of City liability.
 - 6.202.500 Prosecution or proceeding under former ordinance not affected.

Severability: The provisions of this subtitle are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, section, subsection, subdivision, or portion, or the application thereof to any person or circumstance shall not affect the validity of the remainder of this subtitle or the validity of its application to other persons or circumstances.
(Ord. 108934 § 1.300, 1980.)

6.202.010 Adopted.

There are adopted the general provisions for the new Seattle License Code as set forth in this chapter.
(Ord. 108934 § 1, 1980.)

6.202.020 Construction.

This chapter is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare; and its provisions shall be liberally construed to accomplish these purposes consistently with the Fair Employment Practices Ordinance (102562), the Open Housing Ordinance (104839), the False Advertising Ordinance (43475), the Unit Pricing Ordinance (100708), the Weights and Measures Ordinance (98820), the Zoning Ordinance (86300), the Street Use Ordinance (90047), and the Criminal Code (102843)¹ of the City.

(Ord. 108934 § 1.000, 1980.)

1. Editor's Note: The Fair Employment Practices Ordinance is codified in Chapter 14.04 of this Code; the Open Housing Ordinance is codified in Chapter 14.08; the False Advertising Ordinance is codified in Chapter 7.08; the Unit Pricing Ordinance is codified in Chapter 7.12; the Weights and Measures Ordinance is codified in Chapter 7.04; The Zoning Ordinance is codified in Title 24; the Street Use Ordinance is codified in Title 15; the Criminal Code is codified in Title 12A.

6.202.030 Title.

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This subtitle is the new Seattle License Code, and may be cited as such. It is referred to in this subtitle as "the new license code."
(Ord. 108934 § 1.010, 1980.)

6.202.040 Exercise of power to license for regulation.

The new license code is an exercise of the power of the City to license for regulation to preserve the public peace, health, safety, and welfare of the City.
(Ord. 108934 § 1.012, 1980.)

6.202.050 Applicability.

A. The provisions included in this chapter and numbered from Section 6.202.010 through Section 6.202.500 are generally applicable to the administration and enforcement of all licenses required by the new license code. If provisions in specific licensing regulations are inconsistent with these general provisions, the provisions in the specific licensing regulations shall control.

B. The general provisions for the new license code shall apply only to those provisions of the new license code adopted after the effective date of the ordinance codified in this chapter.¹
(Ord. 108934 § 1.015, 1980.)

1. Editor's Note: Ord. 108934 became effective May 3, 1980.

6.202.060 Definitions.

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

1. "Administrative Code" means the Administrative Code of the City (Ordinance 102228)¹ as now or hereafter amended, or its successor ordinance.
2. "Chief of Police" means the Chief of Police of City of Seattle, or his or her designated representative.
3. "City" means The City of Seattle.
4. "Conviction" means any final judgment of guilty in any court, the imposition of a fine, a plea of guilty or nolo contendere, or a finding or verdict of guilty, regardless whether imposition of sentence is deferred or the penalty is suspended. Any conviction which has been expunged pursuant to the Revised Code of Washington, (RCW) 9.92.066, as now or hereafter amended, or RCW 9.95.240, as now or hereafter amended, is not considered a conviction.
5. "Criminal Code" means the Seattle Criminal Code (Ordinance 102843),² as now or hereafter amended, or its successor ordinance.
6. "Department" means the Department of Executive Administration of the City.
7. "Director" means the Director of Executive Administration of the City or his/her designated representative.

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

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

10. "Owner" means:

a. If a sole proprietorship, the proprietor;

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

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

d. If a marital community, both spouses;

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

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

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

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

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

(Ord. 120794 § 174, 2002; Ord. 120181 § 102, 2000; Ord. 118397 § 89, 1996; Ord. 117169 § 97, 1994; Ord. 108934 § 1.020, 1980.)

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

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

6.202.070 Administration and enforcement.

The Director shall administer the new license Code. The Director and the Chief of Police shall enforce the new license code. Other City officials shall assist in enforcement of provisions as specified.

(Ord. 108934 § 1.030, 1980.)

6.202.080 Rules and regulations.

The Director shall, in accordance with provisions of the Administrative Code,¹ prescribe all rules

necessary to implement, interpret, administer and enforce the new license code.
(Ord. 108934 § 1.040, 1980.)

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

6.202.090 Computation of time.

In computing any period of days prescribed by the new license code, the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a City legal holiday, in which event the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or City legal holiday.

(Ord. 108934 § 1.050, 1980.)

6.202.100 License--Issuance.

A. The Director shall issue the license upon finding that all the requirements and conditions of the new license code and rules and regulations prescribed under this subtitle have been satisfied, and that the applicant is qualified to hold the license.

B. Nothing shall prohibit the Director's revoking or suspending a license that was erroneously issued by the Department.

(Ord. 108934 § 1.060, 1980.)

6.202.110 License--Objection or protest to issuance.

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

(Ord. 108934 § 1.062, 1980.)

6.202.120 License--Nontransferable--Exception.

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

(Ord. 108934 § 1.064, 1980.)

6.202.130 License--Application--Completion.

An application is complete when:

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

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

C. Any surety bond, public liability insurance policy, or other deposit or document, whenever

required by the provisions of the new license code, has been filed with the Director.
(Ord. 108934 § 1.066, 1980.)

6.202.140 License--Application--Form.

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

6.202.150 License--Application--Investigation.

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

6.202.160 License--Indicia property of City--Return.

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

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

6.202.170 License--Required for each location.

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

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

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

6.202.180 Change of location.

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

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

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

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

(Ord. 108934 § 1.076, 1980.)

6.202.190 License--Term.

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

B. Licenses shall be effective only through the dates specified on the face of each license.

(Ord. 108934 § 1.078, 1980.)

6.202.200 License fee--Proration.

A. If an application is made for a new license to be effective during the last six (6) months of an annual license period, the license fee shall be one-half (1/2) of the annual license fee or the full change of location fee for that license, whichever is greater.

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

(Ord. 108934 § 1.080, 1980.)

6.202.210 License fee--Refund.

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

(Ord. 108934 § 1.082, 1980.)

6.202.220 License fee--Payment by bad check.

Whenever payment of any fee imposed by the new license code is made by a check which is not honored by the drawee bank, any license issued pursuant to payment by that check is void from the date of

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license issuance. The license may be reissued upon payment of the original amount, plus an administrative charge provided by the License Fee Ordinance¹, all by certified check, money order, or cash. (Ord. 108934 § 1.084, 1980.)

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

6.202.230 License--Denial, suspension or revocation--Grounds.

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

- A. Any applicant or licensee, or any owner, officer or agent thereof has omitted to disclose any material fact necessary to make a statement not misleading, in any application for the license; or
- B. Has charges pending against her/him or has been convicted of a crime or offense which directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than ten (10) years; or has been convicted of several crimes including at least one (1) within the last ten (10) years; or
- C. Has been subject to an adverse finding in any judgment or order which directly relates to the activity for which the license is required, in any judicial or administrative proceeding in which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the licensee-applicant is proven, and the time elapsed since the judgment or order is less than ten (10) years; or
- D. Has violated or failed to comply with any applicable provisions of this Code or rule or regulation prescribed under this subtitle; provided, that failure to obtain a license shall not be grounds for license denial; or
- E. Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a City ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and which is applicable to the licensed activity or licensed premises; or
- F. Has been determined to have discriminated against any person because of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap, in the course of licensed activity, in violation of a City ordinance, law, rule or regulation prescribed thereunder; or
- G. Has violated or failed to comply with any final order of the Director or Hearing Examiner; or
- H. Has failed to complete the application for a license as required by this Code; or
- I. Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or
- J. Has failed to comply with RCW Chapters 49.12 and 28A.28, and rules and regulations

promulgated pursuant thereto, regarding employment of minors; or

K. Any licensee has permitted or authorized his/her agent to violate or fail to comply with any provision of this Code.
(Ord. 119628 § 21, 1999; Ord. 117586 § 3, 1995; Ord. 109651 § 1, 1981; Ord. 108934 § 1.090, 1980.)

6.202.240 License--Summary suspension or revocation.

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

1. There is reasonable cause to believe that grounds for license suspension or revocation exist and that continuation of the activity for which the license is required will cause a clear, substantial and imminent hazard to life, safety, property or privacy; or
2. Any surety bond or public liability insurance policy required by the new license code to be filed with the Director is impaired, fails or is cancelled.

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

C. If a timely request for hearing is not filed by the applicant, the order for summary suspension or revocation by the Director shall be final; provided, that the Director may waive the ten (10) day requirement upon satisfaction that failure to receive notice of the order was beyond the control of the licensee.
(Ord. 108934 § 1.092, 1980.)

6.202.250 License--Waiver of disqualifications.

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

B. Issuance of a license following a waiver disability does not preclude the Director from subsequently reconsidering the conviction, judgment, or finding as grounds for license denial or revocation when additional evidence regarding the person's qualifications is presented within the period of disability.
(Ord. 108934 § 1.094, 1980.)

6.202.260 License--Denial, suspension or revocation--Order.

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

(Ord. 108934 § 1.096, 1980.)

6.202.270 License--Denial, suspension or revocation--Appeal.

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

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

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

(Ord. 108934 § 1.100, 1980.)

6.202.280 Continuation of business while complaint hearing decision pending.

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

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

1. If the Hearing Examiner affirms the Director's license denial, the temporary license shall remain in effect pending a motion for reconsideration before the Hearing Examiner and, in addition (a) if the license applicant does not timely file for judicial review, then only until the expiration of the time allowed to file an application for a writ of review under Chapter 7.16 RCW; or (b) if the license applicant does timely file an application for a writ of review, then only until the court either issues a writ or denies the writ application.
2. If the Hearing Examiner dismisses the adult entertainment license denial with prejudice, the Department shall immediately issue an adult entertainment license.
3. If the Hearing Examiner dismisses the adult entertainment denial without prejudice, the temporary license shall remain in effect for five (5) additional business days, at the end of which time the Department must either reissue a denial or issue an adult entertainment license. If the Director reissues the denial, then the temporary license will continue in effect according to the

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procedures set forth in subsection B of this section.

4. Notwithstanding SMC Section 6.202.210, if a license applicant is issued a temporary license, the license applicant shall pay the fee charged for an adult entertainment license under SMC Section 6.270.060 at the time the applicant receives the temporary license. If the temporary license issued under this subsection is still in effect at the end of a calendar year, then the license applicant must pay the fee charged for an adult entertainment license under SMC Section 6.270.060 for the next calendar year.

(Ord. 117586 § 2, 1995; Ord. 108934 § 1.102, 1980.)

6.202.290 Hearing of claim on bond.

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

B. The Hearing Examiner shall schedule a date for hearing, give notice to the claimant, the licensee, and the Department, and conduct the hearing according to Hearing Examiner rules for contested cases.
(Ord. 108934 § 1.104, 1980.)

6.202.300 Hearing Examiner--Decision authority.

The Hearing Examiner may affirm or deny decisions of the Director to issue, deny, suspend, revoke, or condition issuance or continuance of a license.
(Ord. 108934 § 1.106, 1980.)

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

The decision of the Hearing Examiner shall be final when the decision has been mailed to the last known address of each party. The Director may stay enforcement of a decision of the Hearing Examiner pending motion for reconsideration or pending judicial consideration of a stay, where the Director determines that no clear, substantial, and imminent hazard to the health, safety, welfare, privacy or property of any person would result. In the case of adult entertainment licenses governed by SMC Chapter 6.270, the Director shall stay enforcement of a decision of the Hearing Examiner affirming suspension or revocation of a license pending a motion for reconsideration before the Hearing Examiner and shall stay enforcement of such decision (A) if no application for judicial review is timely filed, then only until the expiration of time allowed to file such application under RCW Chapter 7.16; or (B) if an application for judicial review is timely filed, then only until a writ is issued or the application for writ has been denied.
(Ord. 117586 § 1, 1995; Ord. 108934 § 1.108, 1980.)

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

If any applicant or licensee violates, refuses, or otherwise fails to comply with the provisions of any final order issued by the Director or Hearing Examiner, the Director may transmit the case and the entire record

of the proceedings to the City Attorney, who may invoke the aid of the appropriate court to secure enforcement and compliance with the order.
(Ord. 108934 § 1.110, 1980.)

6.202.330 License--Denial, suspension or revocation--Effect.

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

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

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

D. When revoked, a license shall be cancelled. When suspended, the license shall be retained by the Director until such time as the terms of the suspension have been fulfilled. On that date, the Director shall return the license and all indicia of licensure previously surrendered, to the licensee. In the event the license period expires during a period of suspension, any application received by the Director within thirty (30) days after the suspension shall be considered as a renewal application. If the application is received more than thirty (30) days after the suspension, it shall be treated as a new application.
(Ord. 108934 § 1.112, 1980.)

6.202.340 Consent agreement.

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

B. The agreement shall be final when signed by the Director.
(Ord. 108934 § 1.114, 1980.)

6.202.350 Citation and arrest power.

For purposes of new license code enforcement, Department employees may be commissioned by the Chief of Police as special police officers having the power to issue citations or make arrests for unlawful conduct, violation, and failure to comply with provisions of the new license code.
(Ord. 108934 § 1.120, 1980.)

6.202.360 Administrative inspection.

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

B. Further, pursuant to the consent of the rightful occupier of premises, or of the custodian of a

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and tables and to confirm accuracy of
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vehicle or personal property, and during reasonable business hours, for the purpose of determining compliance with the new license code, the Director or Chief of Police is authorized to:

1. Enter and inspect the premises;
2. Inspect books, records, reports or other data that a licensee is required to compile and maintain, to verify their authenticity and accuracy, and to make copies of them;
3. Inspect books, records, reports or other data that relate to a licensee's business organization, and to verify their authenticity and accuracy, and to make copies of them;
4. Inspect any motor vehicle for which a license, license plate, or license tag is required by the new license code;
5. Inspect objects or goods that are subject to regulation under the new license code, at the place where goods or objects are kept;
6. Inspect other items or objects whenever the Director has reason to believe that such things are relevant to an investigation authorized by the new license code.

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

D. Frequent, unannounced, routine inspections that are necessary to prevent a risk to the public health, safety and welfare may also be authorized by specific regulatory provisions identifying the subject of such inspection, the risk addressed by such regulation, and inspection personnel.
(Ord. 108934 § 1.130, 1980.)

6.202.370 Unlawful acts.

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

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

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

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

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

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F. It is unlawful for any person to knowingly make, or cause or authorize to be made, any false entry, or misstatement of any material matter in any book, record, or writing required to be kept as provided in this Code.
(Ord. 109841 § 1, 1981; Ord. 108934 § 1.140, 1980.)

6.202.380 Bond--Requirements.

Whenever the issuance of a license by the City is conditioned upon the furnishing of a bond, the applicant shall furnish to the Director for filing with the City Clerk a bond running to the City. Alternatively, in lieu of a bond, the applicant may file a cash deposit equal in value to the face amount of a required bond, and pay the costs of handling such deposit, as determined by the Director. Any action that would breach the condition on a bond shall be grounds for forfeiture of the deposit to the same extent as if recovery were on a bond.
(Ord. 108934 § 1.150, 1980.)

6.202.390 Bond--Form.

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

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

B. The term of the bond shall be continuous, effective from the date of issuance of the license for which the bond is required, and maintained during the term of the license, plus one (1) year after the expiration date of the license, unless a claim is made against the bond as provided in this chapter. In such case, liability shall continue as to that claim until the matter is settled. As to future obligations, the bond may be cancelled upon thirty (30) days' written notice to the licensee and the Director.

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

D. The form and sufficiency of the bond may be subject to approval by the City Attorney at the request of the Director.
(Ord. 108934 § 1.152, 1980.)

6.202.400 Bond--Conditions.

The bond shall be conditioned on:

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

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

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

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

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

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

G. Other conditions appropriate to the licensed activity as specified in the new license code. (Ord. 108934 § 1.154, 1980.)

6.202.410 Bond--Claims against.

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

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

1. Delivery to the Director of a copy of a summons and complaint by which a consumer has commenced a lawsuit against a licensee, alleging facts which, if proven, constitute breach of condition on the bond; or
2. The Director's filing a complaint for license revocation upon bases which, if proven, would be grounds for recovering on the bond; or
3. The Director's transmitting a claim to the Hearing Examiner on behalf of any person's claim against the bond if the Director does not commence a license suspension or revocation action on the basis of the person's claim. The Director shall transmit a copy of the summons and complaint, or complaint for revocation, to the surety, by deposit in the mail, or by delivery to a process-server within forty-eight (48) hours of its filing with the Department.

(Ord. 108934 § 1.156, 1980.)

6.202.420 Bond--Execution.

Execution on the bond shall be commenced by either:

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

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of action; or

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

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

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

(Ord. 108934 § 1.158, 1980.)

6.202.430 Bond--Time to make claim.

A. A claim shall be commenced within one (1) year of the expiration date of the license under which the claim arose. Execution on a bond shall be made within thirty (30) days of entry of a judgment or an order against the licensee.

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

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

(Ord. 108934 § 1.160, 1980.)

6.202.440 Bond--Exoneration.

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

1. Judgments or orders for breach of contract, guarantee, warranty or violation of a consumer protection law, pro rata; then
2. Judgments or orders for failure to hold harmless or indemnify the City; then
3. Judgments or orders for other breach of condition on the bond.

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

(Ord. 108934 § 1.162, 1980.)

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6.202.450 Bond--Not retroactive.

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

(Ord. 108934 § 1.164, 1980.)

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

6.202.460 Liability insurance.

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

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

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

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

3. Shall name The City of Seattle as an additional insured;
4. May be approved as to sufficiency and form by the City Attorney at the request of the Director; and

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

(Ord. 120794 § 175, 2002; Ord. 117169 § 98, 1994; Ord. 116368 § 192, 1992; Ord. 114848 § 1, 1989; Ord. 108934 § 1.170, 1980.)

6.202.470 Penalty for violation.

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

B. Each day of continued violation or noncompliance constitutes a separate offense.

(Ord. 108934 § 1.180, 1980.)

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

6.202.480 Endorsement disclaimer.

Issuance of any license pursuant to the new license code does not constitute endorsement or approval of any goods or services offered by any licensee by the City.

(Ord. 108934 § 1.200, 1980.)

6.202.490 Disclaimer of City liability.

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

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

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

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

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

(Ord. 108934 § 1.220, 1980.)

6.202.500 Prosecution or proceeding under former ordinance not affected.

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

(Ord. 108934 § 1.400, 1980.)

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Chapter 6.204

LICENSE FEES

Sections:

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

6.204.010 Title--Purpose.

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

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

6.204.020 Administrative fees.

Fees for administration of the new license code shall be:

Replacement of lost or destroyed license \$ 5.00

Failure to return licensing indicia to the City 5.00

Inspection fee, for each visit to the inspection site 20.00

Payment of license fee with dishonored check 20.00

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

6.204.030 Residential sellers.

Annual fees for residential sellers licenses shall be:

Residential seller \$155.00

Residential seller having one or more employees 225.00

Residential seller's agent card 50.00

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

6.204.040 Tow trucks.

The annual fees for tow truck licenses shall be:

Tow truck (operator) \$370.00

Tow truck (vehicle) 115.00

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

6.204.050 Taxicabs and for-hire vehicles.

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

Taxicab \$240.00

For-hire vehicle 240.00

For-hire driver 55.00

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

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

Change of vehicles of
same owner \$ 50.00

Transfer of ownership (September
through February) 240.00

(March through August) 120.00

Replacement of taxicab indicia
(SMC Section 6.212.050) 10.00

Vehicle inspection
(SMC Section 6.212.060) 10.00

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

Late payment surcharge \$10.00

Fingerprinting 10.00

ID photo 2.00

Replacement of license 5.00

Testing fee 20.00

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

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

6.204.070 Rental agencies.

Annual fees for rental agency licenses shall be:

Rental housing agency \$285.00

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

6.204.080 Used goods.

The annual fee for a used goods license shall be:

Used goods dealer \$130.00

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

6.204.120 Tobacco product retailing.

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

B. The fee for reissuance of a license upon a change in a licensed tobacco product retailer's motor vehicle route shall be Twenty-five Dollars (\$25.00).
(Ord. 116464 § 7, 1992; Ord. 115948 § 7, 1991; Ord. 115531 § 2, 1991.)

Chapter 6.214

TOWING OPERATOR AND TOW TRUCK LICENSES

Sections:

6.214.010 Definitions.

6.214.020 License--Expiration date.

6.214.030 License--Operator--Required.

6.214.040 License--Tow truck--Required.

6.214.050 Incorporation of state law and Washington Administrative Code provisions.

6.214.060 Unlawful acts.

6.214.070 Financial responsibility.

6.214.080 Failure to satisfy judgment.

6.214.090 License plates.

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6.214.160 Direct route.

6.214.170 Removing vehicles from private property--Releasing such vehicles--Selling impounded vehicles.

6.214.180 Receipt required--Records to be kept.

6.214.010 Definitions.

For the purpose of this chapter:

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

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

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

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

E. "Vehicle" means every device capable of being moved upon a street and in, upon, or by which any person or property is or may be transported or drawn upon a street.
(Ord. 110373 § 1, 1982; Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.020, 1980.)

6.214.020 License--Expiration date.

Towing operator licenses and tow truck licenses expire annually on August 31st.
(Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.024, 1980.)

6.214.030 License--Operator--Required.

It is unlawful for any person to engage in the towing service business without first obtaining a towing operator license in accordance with the provisions of the New License Code.
(Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.030, 1980.)

6.214.040 License--Tow truck--Required.

It is unlawful for any person to operate a tow truck without first obtaining a tow truck license in accordance with the provisions of the New License Code.
(Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.035, 1980.)

6.214.050 Incorporation of state law and Washington Administrative Code provisions.

Whenever state law or Washington Administrative Code provisions are incorporated by reference into this chapter, the effect is to govern all operators licensed by the City, whether or not state law or regulations by their terms govern all operators.
(Ord. 109080 § 1(part), 1980: Ord. 108934 § 7.100, 1980.)

6.214.060 Unlawful acts.

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

- A. Demand or collect for towing service in excess of the rates filed;
- B. Fail to provide a receipt with all charges itemized;
- C. Fail to release a vehicle to its rightful owner if the appropriate charge to which the person is entitled has been tendered in a form acceptable under RCW Chapter 46.52 and regulations promulgated thereunder, and the person making such tender promises to remove or promptly secure removal of the towed vehicle;
- D. Remove a vehicle from any location unless:
 - 1. Requested to so remove by a police officer or appropriate governmental official acting in his/her official capacity, or
 - 2. The vehicle's registered owner, or the owner's authorized agent, engages the operator's service, or
 - 3. A written contractual agreement exists between the operator and the real property owner, or rightful occupier of real property, and provides for tow services to remove vehicles from the real property, or
 - 4. The operator has a signed authorization from the rightful occupier of real property for each such vehicle removed in accordance with RCW 46.52.118, 46.52.119, and 46.52.119 (2) and with WAC 308-62-020;
- E. Charge any fee or other remuneration for attempting to tow a vehicle unless:
 - 1. The licensee has gained custody of a vehicle to be towed by hooking it to the tow truck and raising the vehicle's wheels off the ground, in which event no more than fifty percent (50%) of the impound fee, plus charges for other service actually performed may be charged, or
 - 2. The licensee has completed the process of preparing the vehicle for towing, and the licensee has begun to operate the tow truck with the vehicle in tow, in which event the total amount of the impound fee and other allowable charges may be charged;
- F. Block or otherwise interfere with the removal of a vehicle by a person properly claiming such vehicle;

G. Go to the site of a vehicle accident for purposes of soliciting or procuring towing service business unless called by the owner of a vehicle, the rightful occupier of property from which a vehicle is to be removed, or a police officer.
(Ord. 109622 § 1, 1981; Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.140, 1980.)

6.214.070 Financial responsibility.

Each tow truck operator shall submit to the Director for filing by the City Clerk, a copy of public liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) for any one (1) person killed or injured in any one (1) accident or occurrence and Three Hundred Thousand Dollars (\$300,000.00) for more than one (1) person killed or injured in any one (1) accident or occurrence, and Ten Thousand Dollars (\$10,000.00) of garage keeper legal liability insurance.
(Ord. 117242 § 11, 1994; Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.170, 1980.)

6.214.080 Failure to satisfy judgment.

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

6.214.090 License plates.

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

6.214.100 Marking towing service vehicles.

Every tow truck shall be marked in compliance with WAC 308-61-110(7).
(Ord. 109080 § 1(part), 1980; Ord. 108934 § 7.215, 1980.)

6.214.110 Rates--Filing.

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

6.214.120 Rates--Posting.

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

6.214.130 Rates--Quoting orally.

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

6.214.140 Rates--Publishing.

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

6.214.150 Rates--Changing.

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

6.214.160 Direct route.

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

6.214.170 Removing vehicles from private property--Releasing such vehicles--Selling impounded vehicles.

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

6.214.180 Receipt required--Records to be kept.

The operator, or his/her agent, shall prepare a receipt for all services charged for in duplicate, using sequentially numbered forms for every towing service provided within or from the City. The receipt will contain the following:

- A. Name, address, telephone number, and place of business of the operator;
- B. Washington State license number or fleet number of the towing service vehicle used in providing the service;
- C. Name and address of every person engaging the operator's service;
- D. License number, year, make, model and color of the vehicle towed;
- E. Name and address of the vehicle's registered owner, if known;

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

G. Specific service(s) rendered;

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

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

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

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

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

Chapter 6.222

RENTAL HOUSING AGENCIES

Sections:

6.222.010 Definitions.

6.222.020 License--Expiration date.

6.222.030 License--Required.

6.222.040 Unlawful acts.

6.222.050 Financial responsibility.

6.222.060 Records and reports.

6.222.010 Definitions.

For the purposes of this chapter:

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

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

C. "Director" means the Director of Executive Administration of the City or any authorized representative of the Director.

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

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

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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. 120794 § 176, 2002; Ord. 120181 § 103, 2000; 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.

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Text provided for review purposes only.
Every rental agency licensee shall submit to the Director for filing with the City Clerk a surety bond of Five Thousand Dollars (\$5,000) naming himself or herself and all his or her agents as principals, and conditioned as provided by the general provisions of Chapter 6.202.

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

6.222.060 Records and reports.

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

- A. The type of unit (e.g., duplex, triplex, fourplex, or multiplex);
- B. Whether the unit is furnished or unfurnished;
- C. The date when the unit will be available;
- D. The date when the housing accommodation was most recently entered on the agency's listing records;
- E. The date when the housing accommodation was last verified by the agency to be available for rent;
- F. The address of the housing accommodation;
- G. The name, address and telephone number of the landlord;
- H. The monthly rent required by the landlord;
- I. The amount and purpose of any damage, cleaning, rent or other deposit or prepayment required by the landlord;
- J. The number and types of rooms;
- K. Whether a written lease is required and, if so, the minimum term required by the landlord;
- L. Any restrictions as to pets, furnishings, or number of occupants permitted by the Seattle Municipal Code, Title 14, Chapter 8, or activities imposed by the landlord.
(Ord. 109673 § 2(part), 1981; Ord. 108934 § 11.200, 1980.)

Chapter 6.240

RETAIL SALE OF TOBACCO PRODUCTS

Sections:

6.240.010 Definitions.

6.240.020 Tobacco product retailer's license required.

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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 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 (10) feet 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.)

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;

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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;
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 6.250

COLLECTORS AND PROCESSORS OF RECYCLABLE MATERIALS

Sections:

6.250.010 Purpose.

6.250.020 Definitions.

6.250.030 License--Required.

6.250.035 License--Required, exceptions.

6.250.040 License--Expiration date.

6.250.050 License--Application.

6.250.060 License--Fee.

6.250.070 License--Not transferable.

6.250.080 Annual reports.

6.250.090 Duty of licensee.

6.250.100 Denial, suspension or revocation.

6.250.110 Severability.

6.250.010 Purpose.

The purpose of this chapter is to establish a recyclable materials collector/processor license for businesses engaged in collecting or processing recyclable materials and to require such licensees to provide the City with timely and accurate data on the quantities of recycled materials they collect and/or process so that the City may achieve the most cost-effective system for collection, processing, disposal or recycling of all solid wastes, including construction, demolition and land-clearing wastes generated in the City.

(Ord. 122258, § 1, 2006.)

6.250.020 Definitions.

In addition to the definitions generally applicable to this subtitle, as provided by section 6.202.050, and the definitions established by this section, the definitions contained in chapter 21.36, subchapter I, shall apply to this chapter, except as expressly stated to the contrary herein. Where a conflict exists between a definition generally applicable to this subtitle and a definition contained in chapter 21.36, subchapter I, the definition contained in chapter 21.36, subchapter I, shall govern.

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For purposes of this chapter:

A. "Collector" means:

1. A person who operates one or more vehicles for the collection of recyclable materials from residential, commercial or industrial premises or construction sites in the City; or
2. A person engaged in construction, demolition or land clearing who hauls recyclable materials away from job sites in the City; or
3. A person who places drop boxes, kiosks, barrels or other containers in the City where the public may deposit recyclable materials; or
4. A person who maintains one or more business premises in the City where the public may bring recyclable materials, including but not limited to salvaged or surplus building materials and discarded household items and clothing; or
5. A person who, as part of regular business activities in the City, transports recyclable materials, including but not limited to product packaging, oils and food waste, directly from one or more business premises to a recyclable materials processor.

City contractors who pickup residential and commercial garbage, recyclable materials and yard waste are collectors under this definition.

B. "Processor" means a person who operates a facility that receives recyclable materials originating in the City from collectors or private individuals where such materials are sorted for marketability by type, quality or other criteria and then sold directly to the public for reuse or shipped to a recycling firm or facility for further processing. City contractors who operate transfer stations, materials recovery facilities (MRFs) or other facilities where waste materials are sorted for reshipment or disposal are processors under this definition. (Ord. 122258, § 1, 2006.)

6.250.030 License--Required.

A. Commencing April 1, 2007, it shall be unlawful for any person to engage in business in the City as a collector or processor of recyclable materials originating in the City without first obtaining an annual recyclable materials collector/processor license issued in accordance with the provisions of the new license code. The annual license is required regardless of where processing takes place or the location of the business's offices, storage or transshipment facilities; except that a processor of recyclable materials who is wholly located outside the City shall be exempt from this requirement when not also engaged in business in the City as a collector of recyclable materials.

B. The license required pursuant to this chapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code, including but not limited to the business license required pursuant to chapter 5.55. (Ord. 122258, § 1, 2006.)

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6.250.035 License--Required, exceptions.

A. Persons engaged in the businesses of hauling or shipping materials such as packaging, surplus materials generated in manufacturing processes, or products returned by consumers, directly back to a distributor, supplier or original manufacturer for reuse or reprocessing are deemed to be engaged in waste prevention and not required to obtain a recyclable materials collector/processor license for such activities.

B. Persons conducting recycling studies, waste-prevention studies, or test-marketing pilot programs with local governments which generate performance data to be reported to Seattle Public Utilities are not required to obtain a recyclable materials collector/processor license for those activities.
(Ord. 122258, § 1, 2006.)

6.250.040 License--Expiration date.

Recyclable materials collector/processor licenses expire annually on March 31.
(Ord. 122258, § 1, 2006.)

6.250.050 License--Application.

Application for the annual recyclable materials collector/processor license shall be on forms specified by the Director, and shall be accompanied by the license fee established by Section 6.250.060 and the annual report form required by Section 6.250.080.
(Ord. 122258, § 1, 2006.)

6.250.060 License--Fee.

The annual license fee for the recyclable materials collector/processor license is One Hundred Dollars (\$100.00).
(Ord. 122258, § 1, 2006.)

6.250.070 License--Not transferable.

No license issued pursuant to this chapter shall be transferable unless in accordance with the provisions of Chapter 6.202.
(Ord. 122258, § 1, 2006.)

6.250.080 Annual reports.

A. Every person submitting an application for a recyclable material collector/processor license shall include with the application an accurately completed report form identifying the types and total quantities of recyclable materials the license applicant collected or processed during the previous calendar year.

B. Every person submitting an application for renewal of an existing license under this chapter shall submit to the City before March 31st an accurately completed report form identifying the types and total quantities of recyclable materials the license applicant collected or processed during the previous calendar year.

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C. Annual report forms shall be provided by the City and mailed to all existing licensees in conjunction with applications for license renewals.

D. Failure to submit a complete and accurate annual report form, as required by this section, whether or not the City mailed an annual report form to the applicant, shall be grounds for the denial of a license application.

E. Failure to submit a complete and accurate annual report form, as required by this section, and the submission of a materially inaccurate annual report form are each violations of this chapter. (Ord. 122258, § 1, 2006.)

6.250.090 Duty of licensee.

It shall be the duty of all persons licensed under this chapter to comply with all applicable provisions of the new license code. Failure of any licensee to do so shall be a violation of this chapter. (Ord. 122258, § 1, 2006.)

6.250.100 Denial, suspension or revocation.

The Director may deny, suspend or revoke any license issued under this chapter, in accordance with the provisions of Chapter 6.202. Submission of a falsified or materially inaccurate application under Section 6.250.050 or annual report form under Section 6.250.080 are sufficient grounds for the denial, suspension or revocation of the license. A license suspended or revoked may not be reinstated without prior payment of all outstanding fees and penalties. (Ord. 122258, § 1, 2006.)

6.250.110 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 122258, § 1, 2006.)

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.

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the Office of the City Clerk

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.)

1. Editor'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.

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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.)

1. Editor'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

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or residential sales agent licenses 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:

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

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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)

I HEREBY CANCEL THIS TRANSACTION.

(date)

(Buyer's Signature)

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

Chapter 6.270

ADULT ENTERTAINMENT¹

Sections:

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

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

(Ord. 114225 § 4, 1988.)

1. Editor's Note: Through June 30, 2002 or until new land use regulations governing the location of adult cabarets take effect, whichever is sooner, no use permit shall be issued, nor shall any use permit application or building permit application be accepted, for any new adult entertainment premises as defined in SMC Chapter 6.270.

(Ord. 120339 § 2, 2001; Ord. 119933 § 2, 2000; 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 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 Department of Executive Administration of The City of Seattle.
- D. "Director" means the Director of the Department of Executive Administration of The City of Seattle and shall include his or her authorized representatives.
- E. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult entertainment premises.
- F. "Entertainer" means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.
- G. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.
- H. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.
- I. "Natural person" means any individual.
- J. "Operator" means any person operating, conducting or maintaining an adult entertainment business.
- K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- L. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

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

(Ord. 120794 § 177, 2002; Ord. 120181 § 104, 2000; 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 Director of Executive Administration a license to do so, to be designated an "adult entertainment premises license."

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

(Ord. 120794 § 178, 2002; 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 Director of Executive Administration a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

(Ord. 120794 § 179, 2002; 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, One Hundred Forty-five Dollars (\$145.00) per year;

C. Adult entertainment manager's license, One Hundred Forty-five Dollars (\$145.00) per year.

(Ord. 120978 § 3, 2002; 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 Director of Executive Administration, and shall require the following information:

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and tables and to confirm accuracy of
this SMC file.
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,

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- 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.

(Ord. 120794 § 180, 2002; Ord. 117169 § 116, 1994; Ord. 116541 § 3, 1993; Ord. 114225 § 1(part), 1988.)

6.270.080 License--Applicant investigation.

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

(Ord. 114225 § 1(part), 1988.)

6.270.090 Issuance of licenses.

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

- 1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the State, the ordinances of the City, as well as the requirements of this chapter;
- 2. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the Director;
- 3. That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of eighteen (18) years.

(Ord. 114225 § 1(part), 1988.)

6.270.100 Standards of conduct and operation.

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

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

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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 (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron.

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

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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.

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

1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;
2. The activity depicts patently offensive representations, as measured against community standards, of:
 - a. Ultimate sexual acts, normal or perverted, actual or simulated, or
 - b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and
3. The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

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

F. It is unlawful for any person to violate any of the provisions of this Section 6.270.100. (Ord. 116541 § 4, 1993; Ord. 114225 § 1(part), 1988.)

6.270.110 License--Posting and display.

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

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

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

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

6.270.120 Manager on premises.

A. A licensed manager shall be on duty at an adult entertainment premises during the adult

entertainment premises' hours of operation. The name of the manager on duty shall be prominently posted during business hours.

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

C. The manager shall verify that each entertainer performing while the manager is on duty possesses a current and valid entertainer's license, as required by this chapter. The manager shall verify that such adult entertainment license is posted in the manner required by Section 6.270.110. (Ord. 116541 § 6, 1993; Ord. 114225 § 1(part), 1988.)

6.270.130 Hours of operation.

It is unlawful for any adult entertainment premises to be conducted, operated, or otherwise open to the public between the hours of two-thirty a.m. (2:30 a.m.) and ten a.m. (10:00 a.m.). (Ord. 114225 § 1(part), 1988.)

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

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

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

B. It is unlawful for any owner, operator, manager, or other person in charge of a premises for which an adult entertainment premises license is required, to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises. (Ord. 116541 § 7, 1993; Ord. 114225 § 1(part), 1988.)

6.270.150 Suspension or revocation of premises license.

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

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

B. The adult entertainment manager permitted or authorized any violation of any of the provisions of this chapter by any person.
(Ord. 114225 § 1(part), 1988.)

Chapter 6.288

USED GOODS DEALERS

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

Sections:

6.288.010 Definitions.

6.288.020 Expiration date.

6.288.030 License required--Exceptions.

6.288.040 Pawnbrokers--Location limitations.

6.288.045 Metal haulers--Special regulations.

6.288.050 Unlawful acts.

6.288.060 Notification of new pawnbroker business.

6.288.065 Pawnbrokers--Limitation on numbers.

6.288.070 Duty to record transactions.

6.288.080 Duty to report transactions.

6.288.085 Computerized reporting of pawnshop information.

6.288.090 Police seizures--Police holds--Duties and obligations.

6.288.100 Retention of property.

6.288.110 Inspection of records and goods.

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

6.288.130 Firearms dealer licenses required.

6.288.010 Definitions.

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

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

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

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

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

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

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

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

I. "School" means an educational facility of Seattle School District No. 1 or of an adjoining school district, and also means a "residential school" as that term is defined in Sections 28A.190.010 and 28A.190.020 RCW, and also means a private facility used for education now or hereafter approved as a school by the Superintendent of Public Instruction of the State of Washington under Chapter 28A.195 RCW. It does not include home-based instruction whether or not that instruction meets the requirements of Subsection 28A.225.010(4) RCW. The designation of the grounds of a school on the map of "drug-free zones" maintained in the offices of the Seattle Police Department shall be conclusive evidence that a school exists on that site for purposes of this chapter.

J. "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.
(Ord. 117730 § 1, 1995; Ord. 116924 § 1, 1993; Ord. 115843 § 1, 1991; Ord. 110082 § 1, 1981; Ord. 109818 § 1(part), 1981.)

6.288.020 Expiration date.

Used goods dealers' licenses expire annually on March 31st.
(Ord. 109818 § 1(part), 1981.)

6.288.030 License required--Exceptions.

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

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

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

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sections for complete text, graphics,
and tables and to confirm accuracy of
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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) 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;
 11. To engage in business as a used dealer, if holding a valid Washington State Registration issued pursuant to Chapter 88.02 RCW; provided that, the used vessel dealer does not sell used vessel parts.

(Ord. 119591 § 1, 1999; 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 (500) feet 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.)

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6.288.045 Metal haulers--Special regulations.

- A. Notwithstanding any other requirements of this chapter, scrap metal haulers shall:
1. Attach license indicia to any vehicle used for scrap metal hauling, which license indicia shall be issued by the Director and attached as prescribed by the Director;
 2. Maintain a record of all property acquired for which no purchase price is paid, including the name and address of the person from whom the property is acquired, the address of the location from which the property is acquired, and information as required in subsection B of Section 2.88.070.
- B. Scrap metal haulers are not required to retain property, as required in Section 2.88.100 of this chapter.
- C. Any violation of this section is a violation of this Code.
(Ord. 110082 § 6, 1981.)

6.288.050 Unlawful acts.

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

- A. Refuse to allow the inspections as required in Section 6.288.110; or
- B. Falsify, obliterate, destroy or remove from his/her place of business any record that is required to be maintained by this chapter, within three (3) years from the date of the transaction; or
- C. Receive any property from any person under the age of eighteen (18) years, any person under the influence of intoxicating liquor or drugs, or any person known to the used goods dealer as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten (10) years whether the person is acting in his or her own behalf or as the agent of another; or
- D. Remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge. In addition an item shall not be accepted for pledge or a purchase where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated.
(Ord. 115843 § 3, 1991; Ord. 109818 § 1(part), 1981.)

6.288.060 Notification of new pawnbroker business.

Whenever a used goods licensee plans to engage in the business of pawnbroker, at a location not licensed for pawnbroker activity in the previous license year, he/she shall first notify the Chief of Police in writing thirty (30) days in advance of the first day of doing business as a pawnbroker.(Ord. 115843 § 4, 1991: Ord. 109818 § 1(part), 1981.)

6.288.065 Pawnbrokers--Limitation on numbers.

A. No more than two (2) Pawnbroker endorsements shall be issued in each calendar year for the conduct of pawnbroker businesses at locations not licensed for pawnbroker activity on December 31st of the immediately preceding year.

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

C. The Chief of Police shall adopt and publicize a process for allocating new Pawnbroker 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 the status of the City's program for tracking pawn transactions and monitoring pawnshop operations to the City Council's Public Safety Committee or its functional successor on or before June 1, 2005.

(Ord. 120805 § 1, 2002: Ord. 120140 § 1, 2000: Ord. 118831 § 1, 1997: Ord. 117730 § 3, 1995: Ord. 117371 § 1, 1994: Ord. 116924 § 4, 1993.)

6.288.070 Duty to record transactions.

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

A. For Used Goods Other Than Scrap Metal.

1. Information identifying the transaction as follows:

a. The date of the transaction, and

b. The name of the person conducting the transaction on behalf of the licensee, or the identification number of such person.

c. A description of the property pawned, traded, sold or consigned to the licensee including brand name, serial and model numbers, pattern or type, engravings, size, color, markings, shape and any peculiarity likely to identify the property. In the case of firearms, that shall include the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun. In the case of watches, that shall include the name of the maker and the number

of both the works and the case, if any. In the case of jewelry, that shall include a description of all letters and marks inscribed thereon and the color of any stone. If the article bought or received is furniture, or the contents of any house or room actually inspected by the licensee on the premises of the seller, pawnor or consignee, a general record of the transaction shall be sufficient, and

- d. The price paid or the amount loaned, and
 - e. A pawn, purchase or other number identifying the transaction and the merchandise it involves, and
 - f. The identification number of the used goods dealer assigned by the Chief of Police;
2. Information identifying the person pawning, trading, selling, or consigning property to the licensee as follows: the name, date of birth, residence address, general physical description, signature, and a description of the identification presented by the person, consisting of two (2) corroborating pieces of identification including one (1) piece of current government issued picture identification or a valid motor vehicle operator's license number, and the name and residence address of the owner of the property pawned, traded, sold or consigned to the licensee, and the address of the place from which the property pawned, traded, sold or consigned to the licensee was last removed.

B. For Scrap Metals.

1. Information identifying the transaction as follows:

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

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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 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

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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 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 Chapter 5.30 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. 120668 § 32, 2001; 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.)

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).

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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.

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 6.295

ALL-AGES DANCES AND DANCE VENUES

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Severability. The several provisions of this chapter are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

(Ord. 120889 § 4, 2002.)

Subchapter I

General Provisions

6.295.010 Purpose.

This chapter is an exercise of police power for the protection of the health, safety and welfare of those who attend all-ages dances, and is not intended to create, establish or designate any particular class or group of persons who will be especially protected or benefited by its terms.

(Ord. 120889 § 2(part), 2002.)

6.295.020 Construction of chapter.

The provisions of this chapter shall be construed liberally to accomplish its purposes. Nothing in this chapter modifies, repeals or supersedes any provision of another ordinance, rule or requirement that may relate to all-ages dances or all-ages dance venues, including but not limited to building, land-use, planning, health and fire codes.

(Ord. 120889 § 2(part), 2002.)

6.295.030 Chapter subject to New License Code--Conflict.

This chapter is subject to the general provisions of the New License Code, Seattle Municipal Code Chapter 6.20, as those provisions now exist or may hereafter be modified. However, if there is a conflict between this chapter and Chapter 6.202, this chapter shall govern.

(Ord. 120889 § 2(part), 2002.)

6.295.040 Definitions.

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

- A. "All-ages dance" means any public dance at (1) which persons under age eighteen (18) years are allowed or permitted to attend or (2) at which each patron is not required to show valid picture identification, showing that patron's date of birth, as a condition of entry.
- B. "All-ages dance venue" means any place or premises where an all-ages dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas or the premises accessible to the public during the dance.
- C. A "concert" is any event at which live music is played or sung, and at which the primary purpose of the person conducting or operating the event is for patrons to view a musical performance.
- D. A "dance" is any event at which the primary purpose of the person conducting or operating the event is for patrons to dance as that term is commonly defined. However, a "dance" shall not be defined to include an event that is a "concert" as that term is defined by this chapter.
- E. "Department" means the Department of Executive Administration of The City of Seattle.
- F. "Director" means the Director of the Department of Executive Administration of The City of Seattle, or his or her designated representative.
- G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section 12A.04.030 B.
- H. "On-site manager" is the person present at an all-ages dance or all-ages dance venue who is responsible for the direct operation and oversight of the dance or venue and supervision of other employees or workers.
- I. "Person" includes any natural person and, in addition, a company, corporation, partnership, governmental entity non-profit group or unincorporated association.
- J. "Public dance" means any dance that is readily accessible to the public.
(Ord. 120889 § 2(part), 2002.)

6.295.050 All-ages dance license required.

- A. No person shall conduct or operate an all-ages dance unless the person who is conducting or operating such dance has obtained a license in accordance with this chapter. If a fair, festival or other such event includes one or more separate all-ages dances, then only one (1) license shall be required pursuant to this chapter; provided, however, that each such all-ages dance or all-ages dance venue must otherwise separately comply with the requirements of this chapter.
- B. The requirements of this chapter shall not apply if the all-ages dance admits fewer than two hundred fifty (250) patrons.
- C. The requirements of this chapter shall not apply if the all-ages dance is sponsored by an

accredited educational institution.
(Ord. 120889 § 2(part), 2002.)

6.295.060 License--Duration.

Each license issued by the Director under this chapter shall expire on the September 30 next following its issuance. A licensee who desires to renew a license previously issued under this chapter shall submit a license renewal application on a form to be supplied by the Director. The license renewal application shall include all information required under SMC Section 6.295.090. Information from the licensee's initial licensing application may be incorporated by reference into the license renewal form to the extent such information is unchanged. If this is done, a copy of the initial licensing application shall be attached to the licensing renewal form. The renewal form shall contain a declaration under penalty of perjury as required by SMC Section 6.295.090 F.

(Ord. 120889 § 2(part), 2002.)

6.295.070 Fees.

The fee for a license issued pursuant to this chapter shall be One Hundred Twenty Dollars (\$120). The fee for an initial license obtained after March 30 shall be Sixty Dollars (\$60). Persons who hold a license issued under former Chapter 6.294 of the Seattle Municipal Code are exempt from paying a new license application fee under this section.

(Ord. 120889 § 2(part), 2002.)

6.295.080 Authority of Director.

The Director is authorized to:

- A. Make rules for the interpretation and implementation of this chapter pursuant to the Administrative Code; and
- B. Grant, deny, suspend or revoke licenses according to the terms of this chapter; and
- C. Collect fees according to the terms of this chapter.

(Ord. 120889 § 2(part), 2002.)

Subchapter II

Licensing Requirements and Process

6.295.090 License application.

The person desiring to conduct or operate an all-ages dance shall be responsible for obtaining a license. The applicant shall complete a license application, which shall include the following:

- A. The name (including any aliases or former names), address, day and evening telephone numbers and date of birth of the applicant. If the applicant is not a natural person, then this information shall be provided

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for both the applicant (excepting date of birth) and for the natural person making the application on behalf of the applicant. If the applicant is not a natural person, the applicant also shall provide the names (including any aliases or former names), addresses, day and evening telephone numbers and dates of birth of the limited partners, partners, owners, and principals of the applicant.

B. A statement of indemnification consistent with Municipal Code Section 6.295.150.

C. A statement from the applicant that any premises on which the applicant will conduct or operate any all-ages dance will comply with all laws and other legal requirements, including but not limited to building, land-use, health, planning and fire codes; and a statement that the applicant and any employee or agent thereof will, in the conduct of any all-ages dance, comply with all laws and other legal requirements, including but not limited to the building, land-use, health, planning and fire codes.

D. A statement that neither the applicant, nor the natural person making the application on behalf of applicant that is not a natural person, nor any limited partner, partner, owner or principal of an applicant that is not a natural person: (1) is currently the subject of a license suspension or revocation pursuant to Seattle Municipal Code Section 6.295.160; or (2) has at any time been determined to be a sexually-violent predator pursuant to RCW Ch. 71.09 or equivalent statute; or (3) has been convicted within the ten (10) years preceding the filing of the license application of any crime listed in subsection C of Seattle Municipal Code Section 6.295.100; or (4) has been convicted within the five (5) years preceding the filing of the license application of any crime listed in subsection D of Seattle Municipal Code Section 6.295.100.

E. Such other information as the Director requires by rule adopted pursuant to the Administrative Code for the health, safety and welfare of the patrons of all-ages dances and all-ages dance venues.

F. A certification or declaration under penalty of perjury under the laws of The State of Washington that the information and statements in the application are true and correct.
(Ord. 120889 § 2(part), 2002.)

6.295.100 Approval or denial of license application--Grounds.

A criminal background check will be required. The Director shall grant a license unless the license applicant, or the natural person making the application on behalf of an applicant that is not a natural person, or any limited partner, partner, owner or principal of an applicant that is not a natural person:

A. Is currently the subject of a license suspension or revocation pursuant to Seattle Municipal Code Section 6.295.160; or

B. Has, at any time, been determined to be a sexually-violent predator pursuant to RCW Ch. 71.09 or equivalent statute; or

C. Has been convicted within the ten (10) years preceding the filing of such application of:

1. Any sexual crime involving a minor or child as a victim, including but not limited to: such crimes charged under RCW Ch. 9.68A (sexual exploitation of children), or RCW Ch. 9A.44 (sex offenses), or felony crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution),

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or such crimes included within RCW 9.94A.030(37) (sex offenses), or such crimes included within RCW 43.43.830(5) (crimes against children or other persons), or a crime for which a finding of sexual motivation has been made pursuant to RCW 9.94A.127, or extortion for sexual favors pursuant to RCW 9A.56.110; or

2. An attempt or conspiracy to commit any crime as set forth in this subsection C, or of aiding and abetting such crime; or

D. Has, under circumstances not requiring license denial pursuant to the preceding subsections B and C, been convicted within the five (5) years preceding the filing of such application of:

1. Any felony crime involving the unlawful manufacture, sale, delivery, dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug, or controlled substance, including but not limited to those crimes charged under RCW Ch. 69.41 (legend drugs), RCW Ch. 69.43 (precursor drugs) and RCW Ch. 69.50 (Uniform Controlled Substances Act); or

2. Any felony crime of violence as defined by RCW 9.41.010(11), a most serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or a felony with a deadly weapon finding or verdict under RCW 9.94A.125; or

3. Any sexual offense, including but not limited to: a sex offense as defined by RCW 9.94A.030(37) or RCW Ch. 9A.44, a crime for which a finding of sexual motivation has been made under RCW 9.94A.127, extortion to obtain sexual favors pursuant to RCW 9A.56.110, or sexual offenses included within RCW 43.43.830(5) (crimes against children or other persons), or felony crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution); or

4. An attempt or conspiracy to commit any crime as set forth in this subsection D, or of aiding and abetting such crime.

(Ord. 120889 § 2(part), 2002.)

6.295.110 Approval or denial of license application--Time frame.

The Director normally shall approve or deny a license within ten (10) business days of the filing of a complete application under Municipal Code. Sections 6.202.130 and 6.295.090; provided, however, that the Director may take reasonable additional time for approval or denial when necessary to conduct a criminal-history investigation.

(Ord. 120889 § 2(part), 2002.)

6.295.120 License--Limited to licensee.

Any license issued under this chapter shall apply to a single licensee, and shall not be transferable to other persons or licensees. The licensee may use such license at any all-ages dance venue or venues; provided, however, that such use shall not excuse the licensee or venue from compliance with any ordinance, rule or requirement that may relate to such licensee or venue, including but not limited to building, land-use, planning, health and fire codes; and provided further that such use shall not result in an extension of the duration of such

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license.

(Ord. 120889 § 2(part), 2002.)

6.295.130 Security personnel.

It shall be the obligation of every licensee under this chapter to insure:

A. That security personnel are employed and in attendance at an all-ages dance venue during and following each all-ages dance, in order to maintain order and ensure compliance with the law. Specifically, every licensee must provide two (2) persons who have received formal training in crowd control and event management, plus one (1) additional person so trained for every one hundred (100) patrons admitted to the all-ages dance or all-ages dance venue in addition to the first two hundred fifty (250) patrons so admitted.

B. The licensee of any all-ages dance which is scheduled to continue after two a.m. (2:00 a.m.) shall hire a minimum of two (2) off-duty Seattle police officers to be in attendance no later than two a.m. (2:00 a.m.). If the licensee does not make other arrangements to hire off-duty police officers, the licensee shall make a written request for such off duty police officers to be employed through Seattle Security not less than five (5) business days prior to the all-ages dance. If Seattle Security does not provide written confirmation (by hard copy, electronic mail or facsimile) within forty-eight (48) hours of receiving the request that the requested off-duty officers will be available for the dance, the licensee is exempted from the requirement to provide any additional security from off-duty Seattle police officers after two a.m. (2:00 a.m.).

(Ord. 120889 § 2(part), 2002.)

6.295.135 Access--Peace officers--Director.

All peace officers of The City of Seattle and/or the Director shall have free access to all-ages dance venues when an all-ages dance is being conducted or operated for the purpose of inspection and to enforce compliance with the provisions of this chapter.

(Ord. 120889 § 2(part), 2002.)

6.295.140 On-site manager.

It shall be the obligation of every person licensed under this chapter to insure that at least one (1) on-site manager is employed and in attendance at an all-ages dance venue during and following each all-ages dance, to be responsible for the direct operation and oversight of the dance and venue and supervision of other employees or workers.

(Ord. 120889 § 2(part), 2002.)

6.295.150 Indemnification.

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 any premises in connection with such license. 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

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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. (Ord. 120889 § 2(part), 2002.)

Subchapter III

Enforcement

6.295.160 Suspension or revocation--Grounds, duration and administrative appeal.

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

1. The license was procured by fraud or false representation or omission of material fact in the license application; or
2. The applicant or licensee, or natural person who made the license application on behalf of the applicant or licensee, or any limited partner, partner, owner or principal of the applicant or licensee has:
 - a. Knowingly made any false statement or given any false information in connection with an application for a license; or
 - b. Violated any of the provisions of this chapter or has committed any act which is a ground for denial of a license issued pursuant to this chapter; or
3. The licensee, or any employee or agent thereof, has knowingly allowed or permitted to occur at any all-ages dance venue:
 - a. Any felony crime of violence as defined by RCW 9.41.010(11), a most serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or a felony involving the use or display of a deadly weapon; or
 - b. Any felony sexual offense, including but not limited to a sex offense as defined by RCW 9.94A.030(37) or RCW Ch. 9A.44, a felony as defined by RCW Ch. 9.68A (sexual exploitation of minors) or RCW Ch. 9A.88 (indecent exposure and prostitution), a felony sexual offense included under RCW 43.43.830(5) (crimes against children or other persons), or extortion to obtain sexual favors pursuant to RCW 9A.56.110; or
 - c. Any felony sexual offense involving a minor as the victim, or any crime involving prostitution or promoting prostitution, or indecent exposure; or

- d. Any act of solicitation for prostitution; or
- e. The unlawful possession of any weapon or firearm; or

- 4. On three (3) or more occasions during any one (1)-year period, the licensee or any employee or agent thereof has knowingly allowed or permitted to occur at any all-ages dance venue or combination of venues:
 - a. The unlawful possession, consumption, opening, sale, purchase or supplying of liquor as defined in RCW 66.04.010(20); or
 - b. The unlawful possession, manufacture, sale, delivery, dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug or controlled substance.

For purposes of this subsection A4, the actions or knowledge of an employee or agent of the licensee shall be imputed to the licensee; or

- 5. On three (3) or more occasions during any one (1)-year period, any building, structure or premises at which the licensee operated or conducted any all-ages dance, or any combination of such buildings, structures or premises, failed to comply with the building, land-use, planning, health or fire codes.

B. The duration of any suspensions or revocations of licenses issued under this chapter shall be as follows:

- 1. A thirty (30)-day suspension upon the first violation during any one (1)-year period;
- 2. A ninety (90)-day suspension upon the second such violation;
- 3. A one (1)-year revocation upon the third such violation;

Provided, however, that if a license is suspended or revoked because any person listed in Subsection A2 of this Seattle Municipal Code Section 6.295.160 has been determined to be a sexually-violent predator, or has been convicted of a crime set forth in subsections C or D of Seattle Municipal Code Section 6.295.100, then the person against whom such finding or conviction has been entered shall be disqualified from licensing pursuant to this chapter, or from being an applicant, a limited partner, partner, owner or principal of an applicant, or from making an application on behalf of an applicant under this chapter, during the relevant periods of disqualification set forth in subsections B, C or D of Seattle Municipal Code Section 6.295.100; and

Provided further, that the fourth and subsequent occasions during any one (1)-year period on which the licensee or any employee or agent thereof has knowingly allowed or permitted to occur those activities set forth in subsection A4 of this Seattle Municipal Code Section 6.295.160, or on which any building, structure or premises of a licensee has failed to comply with the building, land-use, planning

health or fire codes as set forth in subsection A5 of this Seattle Municipal Code Section 6.295.160, each shall be counted as a separate violation for which a license issued pursuant to this chapter may be suspended or revoked.

C. Notice and Administrative Review.

1. For each occasion on which it is alleged the licensee, or any employee or agent thereof, has knowingly allowed or permitted those activities set forth in subsection A4 of this Seattle Municipal Code Section 6.295.160, or on which any building, structure or premises has failed to comply with the building, land-use, planning health or fire codes as set forth in subsection A5 herein, and which occasion does not constitute a violation for which a license issued pursuant to this chapter may be suspended or revoked, the Director shall give written notice to the affected licensee. Such notice shall be mailed or delivered to the licensee within ten (10) days of such time that the Director was made aware of such occasion.
2. Any such notice shall state that the licensee is entitled to a hearing to respond to the notice and introduce any evidence to refute the allegations contained in the notice. Upon written request filed within ten (10) days after the date of the notice, the Director shall set a hearing date, which shall be not more than fourteen (14) days from the date of the receipt of the request. Failure to file a timely written request shall constitute waiver of any right to review the notice.
3. The hearing shall be held by the Director.
4. The hearing shall be informal, but shall be recorded by electronic means provided by the Director or his or her designee. Within twenty (20) days of the hearing, the Director or his or her designee shall issue a written ruling including factual findings and conclusions, with supporting reasons, affirming, modifying, or reversing the notice. The decision shall be mailed by first class mail to the licensee.
5. The decision of the Director or his or her designee is subject to review by the Hearing Examiner only during a license suspension or revocation hearing as provided for SMC Section 6.295.180.

(Ord. 120889 § 2(part), 2002.)

6.295.170 Operating without a license.

A. Any person who conducts or operates an all-ages dance or all-ages dance venue without a valid license issued pursuant to this chapter commits an infraction, the penalty for which cannot exceed Five Hundred Dollars (\$500); provided that if such person previously has been determined to have committed such infraction or has been found guilty under this subsection then such person is guilty of a misdemeanor, and may 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. Absolute liability is imposed by this subsection pursuant to Seattle Municipal Code Section 12A.04.100.

B. Any person who has been found to have committed an infraction or who is convicted of a crime pursuant to the above subsection A is ineligible to apply for an all-ages dance license for (30) days following such finding or conviction.

(Ord. 120889 § 2(part), 2002.)

6.295.180 Appeals of license denials, suspensions or revocations.

A. Appeals from denials, suspensions or revocations of licenses issued under this chapter shall be heard and decided by the Hearing Examiner. Except as otherwise provided herein, these appeals shall be heard in the manner prescribed by Seattle Municipal Code Chapters 3.02 and 6.202.

B. Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall prepare a written decision and order. An applicant or licensee aggrieved by the decision may seek judicial review of that decision, and may do so only by applying for a writ of review in the King County Superior Court under the provisions of Chapter 7.16 of the Revised Code of Washington. An application for a writ of review must be filed with the Court and served on all parties within fourteen (14) days of the date the decision was issued. (Ord. 120889 § 2(part), 2002.)

Subchapter IV

Miscellaneous

6.295.190 Music and Youth Commission--Composition and authority.

A. There is established a twelve (12)-member Music and Youth Commission. The Music and Youth Commission shall be housed and administratively supported within the Office of Economic Development. Six (6) Commission members shall be appointed by majority vote of the City Council, and six (6) Commission members shall be appointed by the Mayor, as follows:

1. Five (5) of the six (6) Commission members appointed by the City Council shall be Seattle residents with a demonstrated interest in matters relating to music, dance and all-ages musical and dance events, neighborhood or youth-related issues, public safety or law-enforcement. To the extent possible, these Commission members should represent persons of diverse ages and interests, and should represent a variety of the City's neighborhoods. The City Council also shall endeavor to appoint Commission members that include parents, youth, musicians, persons involved in conducting or operating all-ages musical and dance events or venues, and members of neighborhood groups. Commission members appointed under this subsection may not be employees of The City of Seattle, and will serve without compensation.
2. The sixth Commission member appointed by the City Council shall be a City Council member or Council staff person, and may serve on the Commission in this capacity only as long as he or she remains on the City Council or Council staff, subject to the terms of subsection B of this Section 6.295. 190.
3. The six (6) Commission members appointed by the Mayor shall be City employees with a demonstrated expertise in or professional responsibility for law enforcement, public safety, musical events, or youth or neighborhood issues and related matters. Mayoral appointees shall include, among others, representatives from the police department and fire department. Mayoral appointees may serve on the Commission in this capacity only as long as they remain City

employees, subject to the terms of subsection B of this Section 6.295.190.

B. Each Commission member shall serve a two (2)-year term; provided, however, that three (3) of the initial City Council appointees and three (3) of the initial Mayoral appointees shall serve initial terms of one (1) year, to provide for staggered terms. Following the initial appointments, the terms of one-half (1/2) of the Mayoral appointees and one-half (1/2) of the Council appointees shall begin on January 1 of even-numbered years, with all other terms beginning on January 1 of odd-numbered years. No Commission member may serve more than two (2) consecutive terms. Vacancies shall be filled for the duration of an unexpired term in the same manner as the original appointment. If a person is appointed to fill the duration of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the portion of the unexpired term actually served is one (1) year or more. If the appointing authority fails to appoint or re-appoint a person to fill a Commission position before the incumbent Commission member's term has expired, then the incumbent may remain in his or her position for a period not to exceed sixty (60) days until such appointment or re-appointment is made. The authority that appointed a Commission member may remove that Commission member at will. The Commission may, by majority vote, remove from office a Commission member who is absent without excuse from three (3) Commission meetings during any one (1)-year period. The Commission shall select a chair, and may adopt, promulgate, amend and rescind administrative rules and regulations for its own conduct.

C. The purposes and duties of the Commission are as follows:

1. To promote and facilitate communication and understanding between and among all-ages and youth music and dance promoters and licensees, musicians, youth, parents, and governmental officials; and
2. To promote an understanding of laws, policies and resources relating to all-ages and youth music and dance events and venues in the City, and to make recommendations concerning these laws, policies and resources; and
3. To provide, through its own broad-based membership, an informed opinion concerning all-ages and youth music and dance venues in the City, to complement the work of the City's elected officials and departments in these areas, and to make recommendations to those elected officials; and
4. When pertinent, to solicit public comment on issues relating to all-ages and youth music and dance events and venues in the City.

D. In January, 2003, and annually thereafter, the Music and Youth Commission shall report to the City Council on the implementation of Ordinance 120889. This report shall include a review of licenses issued, license violations and enforcement actions taken, and an assessment of the effectiveness of Ordinance 120889 in carrying out its purposes.

(Ord. 121006 § 10, 2002; Ord. 120889 § 2(part), 2002.)

6.295.195 Annual report.

The Department shall submit an annual report to the City Council regarding the operation of this Ordinance 120889 for each of the three (3) years following the effective date of Ordinance 120889.¹

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(Ord. 120889 § 2(part), 2002.)

1. Editor's Note: Ordinance 120889 was effective as of September 11, 2002.

6.295.200 Validity of licenses issued under former Chapter 6.294.

All licenses issued under former Seattle Municipal Code Chapter 6.294 prior to the effective date of Ordinance 120889,¹ and which otherwise would remain valid, shall remain valid for thirty (30) days following the effective date of Ordinance 120889.¹

(Ord. 120889 § 2(part), 2002.)

1. Editor's Note: Ordinance 120889 was effective as of September 11, 2002.

Chapter 6.310

TAXICABS AND FOR-HIRE VEHICLES¹

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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.

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.

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

H. "Director" means the Director of Executive Administration 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. Vehicles licensed under, and used to provide "charter party carrier" and "excursion service carrier" services as defined in, and required by, Chapter 81.70 RCW.

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

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.

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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; provided, that for taxicab associations formed in connection with the wheelchair accessible taxicab demonstration project provided for under this chapter, the Director may waive the requirement for such taxicab associations to have fifteen (15) licensed taxicabs and any taxicab association license fee for the duration of the demonstration project.

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.

Y. "Wheelchair accessible taxicab" means a taxicab designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), and inspected and approved by the Director.
(Ord. 121857 § 1, 2005; Ord. 121738 § 1, 2005; Ord. 120794 § 183, 2002; Ord. 120181 § 107, 2000; Ord. 119872 § 1, 2000; Ord. 118397 § 93, 1996; Ord. 118341 § 2(part), 1996.)

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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.)

6.310.125 Violation classifications.

A. Requirements contained within this chapter shall specify violation classifications in parentheses for the purpose of assessing monetary penalties and penalty points. General provisions for penalty enforcement are set forth in SMC 6.310.600, 6.310.605, 6.310.610, and 6.310.635. Monetary penalties and penalty points for each violation classification are specifically set forth in SMC 6.310.605.

B. Violation classifications are as follows:

1. Class A - violations of administrative or non-safety requirements.
2. Class B - violations of safety requirements.
3. Class C - other serious violations.
4. Suspensions, revocations, and denials of licenses are imposed when taxicab associations, taxicab licensees, or for-hire drivers fail to comply with licensing requirements pursuant to this chapter, or there is an immediate safety concern with the taxicab.

(Ord. 121738 § 2, 2005.)

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;
3. If the vehicle is a taxicab, the taxicab is affiliated with a taxicab association licensed under this chapter;
4. The for-hire driver that operates a 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.

C. The regulatory licenses issued to for-hire drivers, taxicabs, and taxicab associations under this

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chapter shall be suspended by the Director if the for-hire driver, taxicab, or taxicab association does not maintain a required current business license issued by The City of Seattle.
(Ord. 119872 § 2, 2000: 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:

A. Taxicab association:

Annual fee.... \$900

Late renewal fee.... \$90

Fingerprinting of owners and officers.... Charge as determined by Director to cover costs.

B. Taxicab or for-hire vehicle license:

Annual fee (through 5/15/06).... \$250

Annual fee (eff. 5/16/06).... \$300

Wheelchair accessible taxicab annual license fee.... Waived

Late fee (license renewal).... \$30

Change of vehicle.... \$75

Change of vehicle licensee:

Effective through August 31, 2005:

September--February.... \$240

March--August (half year).... \$120

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July 16--August 31*

Effective September 1, 2005 through June 30, 2006:

September--January.... \$250

February--June (half year).... \$125

July 16--August 31*

Effective July 1, 2006 (new license year period):

July--December.... \$300

January--June (half year).... \$150

May 16--June 30*

Replace taxicab plate.... \$25

Special inspection fee**.... \$60/hour
(1/2 hour minimum)

Inspection rescheduling fee
(non-City licensed vehicles only).... \$25

Taxicab change of association
affiliation.... \$60

Vehicle re-inspection fee
(for Class A violations).... \$25

Suspension reinstatement fee
(when no penalty is assessed)
or reinspection fee
(for Class B violations).... \$60

Fingerprinting.... Charge as determined
by Director to cover costs

* No change of taxicab or for-hire vehicle licensee fee is due if the transfer occurs between July 16--Aug. 31, 2005. Effective January 1, 2006, no change of taxicab for-hire vehicle licensee fee is due if the transfer occurs between May 16--June 30. During these periods, the change of taxicab or for-hire vehicle licensee and the annual license renewal are accomplished together and only one (1) fee will be assessed.

** For testing of taxicab meter or taxicab inspections provided to other municipalities.

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C. For-hire driver license:

Annual fee.... \$75****

Add/change affiliation***.... \$20

Late fee.... \$15

ID photo.... \$5

Fingerprinting.... Charge as determined
by Director to cover costs

Replacement license.... \$5

Training class fee.... As determined by Director

*** For-hire drivers may only be affiliated with a maximum of three (3) taxicab associations at any given time. This fee is only charged when the driver is affiliated with three (3) associations and now wants to delete one (1) association and add another.

**** If a for-hire driver has a King County license, no additional fee is charged for a Seattle for-hire driver license. An endorsement will be added to the King County for-hire driver license stating that the license is valid for Seattle also. The driver must still meet all Seattle for-hire driver requirements and obtain a City of Seattle business license.

(Ord. 121738 § 3, 2005; Ord. 119872 § 3, 2000; 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

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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 taxicab association owners, partners, and principals must consent to be fingerprinted for a criminal background check.
(Ord. 119872 § 4, 2000: Ord. 118341 § 2(part), 1996.)

6.310.210 Taxicab association--Standards for license denial.

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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 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.)

6.310.225 Taxicab association--Wearing costume.

Notwithstanding the uniform requirements of SMC 6.310.200A4, a taxicab association may permit a

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driver to wear a costume, which may include several color and style variations, upon a written request of a driver and if each of the following requirements is met:

1. The costume depicts a readily identifiable and generally well known public figure, personality or fictional character.
2. The costume covers the body at least to the same extent as the regular uniform of the association.
3. The costume does not include a full or partial mask.
4. The costume does not include facial make-up or other feature that obscures facial characteristics in such a way as to impair matching the driver's face with the picture on the for-hire driver license.
5. The costume does not depict a police officer, fire officer or any other public safety officer.
6. The costume will not interfere with the driver's ability to provide professional, safe and secure transportation to customers.
7. Other than not being a uniform, the costume will not interfere with the driver's responsibilities to comply with for-hire driver standards set forth in Sections SMC 6.310.450 through 475.
8. The association has provided the Director a brief description of the costume along with a photograph of the driver wearing the costume.

The Director shall provide a report to the Council Transportation Committee by August 1, 2004 regarding the number and types of costumes allowed pursuant to this section and the impact of the use of costumes upon the taxicab industry.
(Ord. 121357 § 1, 2003.)

6.310.230 Taxicab association--Operating responsibilities.

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

- A. Maintain a business office that:
 1. 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),
 2. Has a local Seattle business telephone number that is listed in the white and yellow pages of the telephone book and must be answered during all hours that affiliated taxicabs are operating (Class A),
 3. Has a mailing address where the taxicab association representative will accept mail (Class A),

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4. Stores all records that this chapter requires the taxicab association to maintain including, but not limited to, copies of taxicab licenses and for-hire drivers licenses, lists of all affiliated taxicabs and affiliated drivers, taxicab vehicle repair and service records, passenger comment cards, new driver training records, vehicle insurance policies, vehicle registrations, vehicle for-hire certificate, passenger complaint log, taxicab sign out log or equivalent, and radio dispatch records (Class A -- each requirement),

5. Provides secure storage for all items left in the taxicab by patrons and turned in by drivers of affiliated taxicabs (Class A), and

6. Provides radio or computer dispatch during all hours that affiliated taxicabs are operating, and every request for service must be satisfied as long as there are any operating taxicabs not in use; except that associations and for-hire drivers that refuse service pursuant to SMC 6.310.465 L shall not be subject to any penalties by the Director, or, in the case of for-hire drivers, by the association (Class B -- both requirements);

B. Ensure that each affiliated taxicab is insured as required in SMC Sections 6.310.300 D5-6 and 6.310.320 D (Class B);

C. Ensure that each affiliated taxicab maintains the taxicab association's color scheme and identification (Class B);

D. Maintain on file at the taxicab association's place of business proof of insurance required by SMC Sections 6.310.300 C5-6 and 6.310.320 D (Class A);

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

F. Send, by first class mail, to the taxicab licensee and for-hire driver of an affiliated taxicab any correspondence from the Director within five (5) business days after the taxicab association receives such correspondence and keeps a written record of the mailings (Class A);

G. Weekly, collect, verify accuracy and completeness, and store for at least two (2) years trip sheet records for all affiliated taxicabs, daily taxicab sign out logs, and association dispatch records as prescribed by the Director (Class A);

H. Collect and provide service information, vehicle collision reports, service response time reports, reports of crimes against for-hire drivers, and passenger complaints, pursuant to rules adopted by the Director as follows:

1. Service Information Reports. Submit quarterly, on forms approved by the Director, the monthly total of paid trips, paid miles, and operating hours for each affiliated taxicab (Class A);

2. Vehicle Collision Reports. Submit monthly, on forms approved by the Director, a list of vehicle collisions required to be reported to the Washington State Patrol pursuant to RCW 46.52.030(1) and WAC 446.85-010 including the name and number of the affiliated taxicab and for-hire

driver, collision fault, injuries, and estimated damage (Class A);

3. Service Response Time Reports. Submit quarterly, on forms approved by the Director, average response times for service requests in the operating areas served by affiliated taxicabs (Class A);
4. Crimes Against Drivers Reports. Submit quarterly, on forms approved by the Director, a list of all crimes of assault or robbery against affiliated for-hire drivers that were reported to the Seattle Police Department, including the name and number of the affiliated taxicab and for-hire driver, incident number, description of the crime, and injuries (Class A), and
5. Passenger Complaints. Submit quarterly, on forms approved by the Director, a report which contains information on complaints received directly from passengers and from the passenger complaint hotline as compiled from the log required pursuant to subsection I of this section regarding:
 - a. Driver conduct sorted by driving behavior, communication, personal dress or hygiene,
 - b. Vehicle condition sorted by appearance, mechanical and/or safety,
 - c. Service response, and
 - d. Lack of driver knowledge of route or requested destination (Class A).

I. Maintain a log of, and forward to the Director upon request, each oral or written passenger complaint that the taxicab association receives about the taxicab association, a taxicab licensee, or lessee or driver of an affiliated taxicab. The taxicab association must include a notice of the action taken by the taxicab association to resolve the complaint and the disposition (Class A);

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

1. A conviction, bail forfeiture or other adverse finding received by the driver or the taxicab licensee 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),
2. A conviction, bail forfeiture or other adverse finding received by the driver or the taxicab licensee of an affiliated taxicab for any other criminal offense directly bearing on the driver's fitness to operate a taxicab or the taxicab licensee's fitness to be licensed, including but not limited to theft, fraud, robbery, burglary, assault, sex crimes, alcohol, drugs, or prostitution (Class B),
3. A vehicle accident required to be reported to the State of Washington involving any affiliated taxicab (Class B),
4. 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

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

K. 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);

L. 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);

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

N. 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);

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

P. Provide a supervisor at a taxicab zone whenever such zone is used by affiliated taxicabs if the Director determines that it is necessary due to: (1) complaints received from passengers and adjacent property owners, or (2) improper use of nearby passenger load zones, truck load zones, and charter bus zones. If the taxicab association fails to provide a supervisor as required by the Director, the Director may suspend all affiliated taxicabs from using the taxicab zone (first offense -- Class B violation and fourteen-day suspension from taxicab zone; second and subsequent offenses -- Class B violation and sixty-day suspension from taxicab zone); and

Q. Determine whether an affiliated driver, who has been the victim of a crime of assault or robbery, has reported the crime to 911. If not, the taxicab association shall call 911 and report the crime immediately (Class B).

(Ord. 121738 § 4, 2005; Ord. 120179 § 1, 2000; Ord. 119872 § 5, 2000; 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.

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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 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, on behalf of a taxicab license applicant affiliated with the taxicab association, 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 applicant must be the registered owner of the vehicle to be used as a taxicab or for-hire vehicle. The taxicab license applicant 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. Applicant type:

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

b. If the applicant is a corporation, partnership or other legal entity, the names, home addresses, telephone numbers and dates of birth (which must be at least eighteen (18) 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 regulatory agency, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and

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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 vehicle owner within the last three (3) years;
 4. Criminal history, as requested by the Department, of the vehicle owner, or if the vehicle owner is a business entity, of the persons specified in subsection C1b above;
 5. Insurance policy declarations or insurance binder 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 insurance policy declarations or insurance binder shall:
 - a. Be issued by an admitted carrier in the State of Washington with an A.M. Best's Rating of not less than A- and be not less than A.M. Best's Financial Size Category VII; provided however, that the Director may temporarily suspend any or all of these requirements if no other viable insurance options are available to the industry,
 - b. Name The City of Seattle as an additional insured,
 - c. Provide that the insurer will notify the Director, in writing, of any cancellation at least thirty (30) days before that cancellation takes effect, and
 - d. Not include self-insured retention, nonstandard deductibles, aggregate limits, territorial restrictions, named driver requirements, or any other provisions that limit insurance coverage;
 6. Certificate of underinsured motorist coverage indicating a minimum coverage of Fifty Thousand Dollars (\$50,000) per person, and One Hundred Thousand Dollars (\$100,000) per accident;
 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.

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(Ord. 121738 § 5, 2005; Ord. 120179 §§ 2, 3, 2000; Ord. 119872 § 6, 2000; 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;

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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:

- A. All applicable licenses specified in Section 6.310.130 are in force for the taxicab or for-hire vehicle (Misdemeanor or Class C);
- B. For taxicabs only, and subject to Section 6.310.230 C, the vehicle complies with the approved color scheme of the taxicab licensee's taxicab association (suspension and Class B);
- C. The vehicle model year can be no more than seven (7) years prior to the license date (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 (summary suspension);
- E. An approved mechanic has issued a valid certificate of safety for the vehicle within the last license year. The safety certificate remains valid, if the vehicle is sold, until the next renewal date (denial of license);
- 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, summary suspension and Class B for safety standards);
- H. The taxicab or for-hire vehicle displays a taxicab or for-hire vehicle license with a current year

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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 the following current documentation: the state for-hire certificate, the county and/or city taxicab or for-hire vehicle license, the vehicle registration, and the proof of insurance card (Class A);

K. Effective July 15, 2005, the taxicab is equipped to accept credit cards (Class A);

L. The taxicab is equipped with a properly sealed, working, and accurate receipt-issuing taximeter or receipt-issuing mobile data terminal, as prescribed by the Director (suspension and Class B). The receipt-issuing taximeter or receipt-issuing mobile data terminal must be installed when the taxicab is replaced, but no later than June 30, 2006 (denial of license);

M. The taxicab or for-hire vehicle is equipped with a passenger information decal, the size, material, and placement of which is prescribed by the Director by rule. Such decal shall include the taxicab or for-hire vehicle name and number and the taxi complaint hotline telephone number. Effective December 31, 2005, a passenger information notice in Braille and raised lettering must be installed as prescribed by the Director by rule. Effective December 31, 2005, passenger survey and complaint cards must be available to passengers in the rear passenger seating area (Class A -- each);

N. 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);

O. The taxicab is equipped and operated so that it can be contacted by continuous two-way radio communications using a central dispatch radio base station and a noncell frequency assigned and licensed by the FCC to an association or contracted dispatch service. (summary suspension and Class B);

P. The taxicab or for-hire vehicle meets the minimum size requirements as prescribed by Director's rule (denial of license);

Q. The for-hire vehicle must have any color scheme or vehicle number approved with the Director (summary suspension and Class B);

R. Signs, including notices, announcements, pictures, advertisements or other messages, are allowed in or on taxicabs only as prescribed by this Chapter and by rule promulgated by the Director concerning the manner in which such signs may be displayed, including, but not limited to, requirements concerning the number of signs per vehicle, placement on or within vehicles, size limitations, and devices or mechanisms used to display such signs (Class A);

S. After March 1, 2006, the taxicab must be equipped with an operable digital security camera system approved by the Director pursuant to specifications provided by rule and adopted by the Director (summary suspension and Class B). The requirement for digital security cameras will expire on March 1, 2009,

unless the City of Seattle adopts an ordinance to extend the requirement. Access to images made by any digital security camera is restricted to law enforcement personnel solely for the investigation and prosecution of crimes (Class C). Nothing in this subsection S shall be construed to remove a law enforcement agency's obligation to comply with the Fourth Amendment of the United States Constitution and article I, section 7 of the Washington Constitution in obtaining access to digital security camera images, including the requirement to obtain a search warrant if needed;

T. The taxicab must be equipped with a monitored silent alarm system approved by the Director pursuant to specifications provided by rule and adopted by the Director. All taxicabs with computer dispatch systems shall comply with this requirement by no later than December 31, 2005. All taxicabs with radio dispatch systems shall comply with this requirement by no later than January 1, 2008 (summary suspension and Class B);

U. After January 1, 2008, the taxicab must be equipped with a monitored Global Positioning System (GPS) pursuant to specifications contained in a rule promulgated by the Director;

V. A taxicab must maintain a continuous connection between the taximeter and the computer dispatch system, if such system is installed (five-day suspension and Class B); and

W. Any other requirements set forth in regulations adopted pursuant to this chapter (safety regulations--Class B; nonsafety regulations--Class A).
(Ord. 121942 § 1, 2005; Ord. 121857 § 2, 2005; Ord. 121738 § 6, 2005; Ord. 119872 § 7, 2000; Ord. 118341 § 2(part), 1996.)

6.310.330 Taxicab licensee and for-hire vehicle licensee 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, through their association representative, quarterly the following information compiled from the daily trip sheets:

1. Number of service requests (trips) during the last quarter;
2. Average operating hours per week per vehicle for the last quarter;
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 shall permit 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).

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).

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I. The taxicab or for-hire vehicle owner shall insure that all inspection times scheduled by the Director are kept (suspension, fifty dollar (\$50) monetary penalty and two (2) penalty points).

J. The taxicab or for-hire vehicle owner 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).

K. A wheelchair accessible taxicab licensee must personally drive the vehicle a minimum of forty (40) hours per week for at least forty (40) weeks per year (revocation).

L. A taxicab or for-hire vehicle licensee shall not tamper with, disable, remove, or willfully damage the digital security camera equipment required under this chapter (Class C).

M. A taxicab or for-hire vehicle licensee shall not alter, edit, destroy, remove, copy, transfer, transmit, erase, delete, overwrite, obscure, damage, encode, lock, render unreadable, or otherwise tamper with any image made by a digital security camera, other than as may occur in the normal operation of the digital security camera system as mandated and authorized by the Director (Class C).
(Ord. 121857 § 3, 2005; Ord. 121738 § 7, 2005; Ord. 119872 § 8, 2000; 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; provided however, that wheelchair accessible taxicab licenses are nontransferable. No transfer of a for-hire vehicle or taxicab license can take effect until all outstanding penalties assessed against the for-hire vehicle or taxicab licensee 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. 121738 § 8, 2005; Ord. 118341 § 2(part), 1996.)

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

A. All taxicab and for-hire licenses for the 2004--2005 license period shall expire on August 31, 2005. For the 2005--2006 license period and subsequent license year periods, all taxicab and for-hire licenses will expire on June 30 of the year following issuance of the license.

B. Each taxicab or for-hire vehicle licensee must renew the for-hire vehicle or taxicab license every year. No taxicab or for-hire vehicle license may be renewed unless all outstanding penalties assessed against the taxicab or for-hire vehicle licensee 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. 121738 § 9, 2005; Ord. 120179 § 4, 2000.)

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 or misdemeanor).
(Ord. 119872 § 10, 2000: Ord. 118341 § 2(part), 1996.)

IV.

For-hire Driver Licensing and Requirements

6.310.400 For-hire driver's license application.

A. For an initial for-hire driver's license and annually thereafter, 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. Washington State driver's license number. Providing the social security number is optional. The applicant must present his/her Washington State driver's license at time of application;
4. Proof 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;
8. Statement of applicant listing all reportable accidents and all moving violations the applicant was involved in during the previous three (3) years; and
9. Such other information as may be reasonably required by regulation promulgated under this chapter.

B. The following additional information must be filed prior to sitting for the written 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 ridden with a trainer designated by the association in a taxicab for at least three (3) full shifts including at least one (1) night shift and successfully completed a four-day training program provided by the taxicab association, in which the applicant has:

- a. Received classroom instruction in the region's geography, important structures and sites

of interest;

- b. Received instruction in the proper use of the radio, taximeter, and computer (if applicable) and how to complete a trip sheet and safety checklist; and
- c. Received at least one (1) hour of instruction on risk factors for crimes against for-hire drivers, emergency procedures, and equipment installed in taxicabs for the driver's personal safety.

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. 121738 § 10, 2005; Ord. 119872 § 11, 2000; 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.

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.

Seattle Municipal Code
December 2006 code update file
Text provided for public reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

A. All initial for-hire driver applicants must have successfully completed, prior to taking the written 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, defensive driving, use of emergency procedures and equipment for the driver's personal safety, enhancement of driver/passenger relations, and appearance and communication skills. The oral examination may be taken prior to the training class to expedite the licensing process (denial of license).

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

1. A taxicab association with which the for-hire driver is affiliated requests that the for-hire driver receive a refresher course; or
2. The Director has reasonable grounds, based on documented complaints and/or violations, to believe that a refresher course is necessary (suspension).

C. A for-hire driver must complete a separate training session and written test on for-hire driver personal safety within three (3) months from the date of issuance of the initial license. The Director shall set forth the requirements of the training program by rule (suspension).

D. A for-hire driver who operates a wheelchair accessible taxicab must successfully complete a separate training program for the special needs of passengers in wheelchairs, including but not limited to, loading and tie-down procedures and door-to-door service as prescribed in rule by the Director (Class C). (Ord. 121738 § 11, 2005; Ord. 119872 § 12, 2000; 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; and
5. Knowledge of risk factors for crimes against for-hire drivers, emergency procedures, and taxicab equipment for driver's personal safety.

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.

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C. An applicant who fails the written and/or oral examination, including the initial and periodic for-hire driver written safety test, is entitled to one (1) free opportunity to retake the examination. A second failure will result in a sixty-day wait for another opportunity to take the examination, and another license application fee. All later examination tries will require the sixty-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. If the license has remained expired for more than one (1) year, and the applicant can provide documentation that he/she had previously passed the oral examination, only the written examination will be required.
(Ord. 121738 § 12, 2005; Ord. 119872 § 13, 2000; 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, except for the driver safety session required by Section 6.310.415 C. The temporary license is valid for a period not to exceed one hundred twenty (120) 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-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. 121738 § 13, 2005; 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 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 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. 120179 § 5, 2000; Ord. 119872 § 14, 2000; 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 or 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 security camera, lights, brakes, tires, steering, seat belts, taximeter seal, and other vehicle equipment listed on the vehicle safety checklist as prescribed by rule 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 (Class B).

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 (revocation or nonrenewal).

I. A for-hire driver shall immediately notify the taxicab association when the for-hire driver has been the victim of a crime (Class A).

J. A for-hire driver operating a wheelchair accessible taxicab shall provide service to passengers in wheelchairs before any other passengers (Class B).

K. A for-hire driver shall not operate a taxicab unless the digital camera is operating at all times while picking up, transporting, or dropping off passengers (Class B).

L. A for-hire driver shall accept credit cards for payment of fare when requested by passengers (Class A).

(Ord. 121738 § 14, 2005; Ord. 119872 § 15, 2000; 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 (8) 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(s) that are left behind by passenger(s). Such articles found in taxicabs are to be reported as found property 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. An enlargement of the for-hire license shall be displayed in a permanent frame 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 (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);

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F. A for-hire driver, as agent of the taxicab licensee, 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-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 or a police officer, provide the City-issued for-hire license and/or Washington State driver's license for inspection (suspension and Class B);

P. A for-hire driver shall have in their possession 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);

Q. A for-hire driver shall not operate a taxicab unless the radio, required in SMC Section 6.310.320 O, is on and operating, and drivers must notify the taxicab association dispatch that they are available after completing each trip (Class B--both);

R. A for-hire driver shall not use a cell phone while a passenger is in the taxicab (Class B);

S. A for-hire driver shall not sub-lease a taxicab to another driver unless that driver has a valid for-hire driver license and the for-hire driver is currently affiliated with the taxicab association (suspension and Class B);

T. A for-hire driver must notify the Director within three (3) working days of being involved, while operating a taxicab, in any vehicle accident that is required to be reported to the State of Washington (Class B);

U. A for-hire driver shall not tamper with, disable, remove, or willfully damage the digital security camera equipment required under this chapter to be in taxicab (Class C); and

V. A for-hire driver shall not alter, edit, destroy, remove, copy, transfer, transmit, erase, delete, overwrite, obscure, damage, encode, lock, render unreadable, or otherwise tamper with any image made by a digital security camera, other than as may occur in the normal operation of the digital security camera system as mandated and authorized by the Director (Class C).
(Ord. 121857 § 4, 2005; Ord. 121738 § 15, 2005; Ord. 119872 § 16, 2000; 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 paid trip, whether the fare is computed by the taximeter, contract or flat rate, and deactivate the taximeter upon completion of the trip. Beginning of a trip means the point where the passenger is seated, or materials stowed, and the forward motion of the vehicle begins. The taximeter shall not be engaged unless the taxicab is transporting passengers or materials for compensation (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. The driver's name, vehicle name and number, beginning odometer, and beginning time of the shift worked must be written on the trip sheet at the start of each shift before carrying passengers (Class A). Daily tripsheets shall also include the following information:

1. Taxicab licensee's name and vehicle name and number;
2. Vehicle for-hire license number;
3. Ending odometer reading;
4. Ending time of each shift worked;
5. Date, time, place or origin, and dismissal of each trip;

6. Fare collected;

7. Number of passengers;

8. No shows; and

9. 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. 121738 § 16, 2005; Ord. 118341 § 2(part), 1996.)

6.310.465 For-hire driver--Passenger relations standards.

A. A taxicab driver shall wear only the uniform adopted by the association and approved by the Director or a costume meeting all requirements of SMC 6.310.225 and SMC 6.310.480. (Class A).

B. When wearing a costume a driver shall display a photograph of the driver dressed in the costume along with the driver's for-hire license. (Class A).

C. 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).

D. 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).

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

F. 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).

G. 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).

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H. 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).

I. 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. If a receipt-issuing taximeter is installed, a printed receipt must be provided to the passenger upon payment of the fare (Class A each).

J. 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).

K. 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).

L. 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 for-hire driver arrives at the place of pick-up and upon arrival the passenger is acting in a disorderly or threatening manner, or otherwise is acting in a manner that would cause a reasonable person to 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; or
4. The passenger refuses to state a specific destination upon entering the taxicab (Class B).

M. A for-hire driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all passengers. If the taxicab is designated as a "nonsmoking" taxicab, no-smoking signs must be posted within, and outside, the taxicab or for-hire vehicle, so as to be highly visible to the passenger. The Director shall promulgate rules concerning the placement of the no-smoking signs (Class A).

N. 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).

O. 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).

P. A for-hire driver shall not operate a wheelchair accessible taxicab unless the for-hire driver has successfully completed the special training requirements set forth in SMC 6.310.415 E (Class C and five-day suspension).

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Seattle Municipal Code
December 2007 code update file
Text provided for historic reference only.
(Ord. 121738 § 17, 2005; Ord. 121357 § 3, 2003; Ord. 120179 § 6, 2000; Ord. 119872 § 17, 2000; Ord. 118341 § 2(part), 1996.)

6.310.470 For-hire driver soliciting and cruising standards.

A. Taxicabs.

1. A for-hire driver may solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab (within twelve (12) feet), and only when the vehicle is safely and legally parked (Class A).
2. A for-hire driver shall not use any other person to solicit passengers (Class A).
3. A for-hire driver shall not hold out the taxicab for designated destinations (Class A).
4. A for-hire driver shall not park a taxicab and wait for walk up passengers in a marked passenger load zone, truck load zone, or charter bus zone. A for-hire driver may drop off passengers or pick up hailed trips in a passenger load zone except as provided by SMC 6.310.475 D and E (Class A).

B. For-hire Vehicles.

1. A for-hire driver in a for-hire vehicle is prohibited from soliciting passengers, from cruising for passengers, or from picking up passengers in a taxi zone (Class B).
2. A for-hire driver shall not use any other person to solicit passengers (Class A).
3. All trips must be pre-arranged as defined by the Director by rule.
(Ord. 121738 § 18, 2005; Ord. 119872 § 18, 2000; 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).

D. A for-hire driver cannot use a passenger load zone located within one hundred fifty (150) feet from a taxicab zone designated by the Director, except for wheelchair accessible taxicabs. Notification of such zone designation will be sent to all taxicab associations ten (10) days prior to the effective date of the designation (Class B and suspended from using the taxicab zone for fourteen (14) days).

E. For hire-drivers cannot use a taxicab zone while under suspension from that taxicab zone (Class

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B and suspended from using the taxicab zone for sixty (60) days.
(Ord. 121738 § 19, 2005; Ord. 118341 § 2(part), 1996.)

6.310.480 For-hire driver--Wearing costume.

A driver shall not wear a costume unless all provisions of SMC 6.310.225 have been met. When wearing a costume, the driver shall display a photograph of the driver dressed in the costume along with the driver's for-hire license.
(Ord. 121357 § 2, 2003.)

V.

Entry Standards and Rates

6.310.500 Taxicabs--Maximum number.

A. The total number of taxicab licenses in effect at any one (1) time shall not exceed the number in effect as of December 31, 1990.

B. The number of for-hire vehicle licenses in effect at any one (1) time shall not exceed two hundred (200). Except that if the State Legislature authorizes cities to regulate executive sedans and executive vans, as defined in RCW 46.04.274, then executive sedans and executive vans licensed by the Department of Licensing (DOL) on the authorization date, which meet City vehicle standards would also be allowed to obtain for-hire vehicle licenses.

C. The Director may, at the Director's discretion, issue wheelchair accessible 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. These are non-transferable wheelchair accessible taxicab licenses and shall not be included in calculating the maximum number of taxicab licenses allowable pursuant to paragraph A of this section. Consistent with this subsection, the Director may issue temporary and nontransferable wheelchair accessible taxicab licenses to individual for-hire drivers selected by King County for a demonstration project to determine the economic feasibility of the long term issuance of such licenses.

D. If the Director determines that issuance of additional taxicab licenses is warranted, not to exceed the maximum allowable taxicab licenses issued pursuant to paragraph A of this section, such licenses will be issued pursuant to a competitive request for proposal and award process or lottery of qualified applicants, as prescribed in rule adopted by the Director.
(Ord. 121857 § 5, 2005; Ord. 121738 § 20, 2005; Ord. 119872 § 19, 2000; 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 (1) criterion in evaluating and recommending entry changes.

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(Ord. 121738 § 21, 2005; 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.)

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 all costs (including all operating expenses and license fees of providing adequate taxi service, plus a reasonable profit to the owner; and
 - 6. Consistency of rates with those charged by King County.

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C. No taxicab shall have more than one (1) 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, or an airport flat rate defined in this section, or a temporary fuel surcharge authorized by the Director pursuant to subsection I of this section, 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 1/10 mile.... \$2.50
2. Per mile: For each 1/10 mile or fraction thereof after the first 1/10 mile.... \$.20
3. For every one (1) minute of waiting time.... \$.50*
4. Additional per passenger charge for more than two (2) persons, excluding children under twelve (12) years of age.... \$.50

* Waiting time rates are charged when taxicab speed is less than fifteen (15) miles per hour or when a taxicab driver is asked to wait for the customer.

E. Special Rates, Contract Rates, "Downtown to Airport" Flat Rate, and Coupons.

1. Special rates as defined in this chapter shall be calculated as a fraction or 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.
6. All taxicabs shall charge a flat rate of Twenty-eight Dollars (\$28) from the downtown hotel district to Seattle-Tacoma International Airport except when contract rates are in effect for the trip, or when the Director has temporarily suspended the flat rate in accordance with subsection J

of this section. The downtown hotel district is the area defined by Broad Street to Mercer Street to I-5 on the north, Elliot Bay on the west, South Dearborn Street on the south, and Boren Ave, to the I-5 Freeway and then the Freeway on the east.

7. The use of coupons to establish a lower rate, or a rate not provided within this section, is prohibited.

F. For-hire Vehicle Rates.

1. 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.

2. For-hire vehicles must charge for service based on a written contract, flat charge per trip, by zone, or by an hourly rate with minimum increments of one-half (1/2) hour.

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).

I. The Director is authorized to approve a temporary fuel surcharge to be added to the taxicab meter rate, or the flat rate for trips from the downtown hotel district to Seattle-Tacoma International Airport, any time the price of fuel, as published by the American Automobile Association, exceeds a fuel surcharge trigger price established pursuant to an administrative rule adopted by the Director. The surcharge shall be an amount necessary to recoup the increased fuel costs.

J. The Director is authorized to temporarily suspend the flat rate from the downtown hotel district to Seattle-Tacoma International Airport when conditions exist at the airport or elsewhere that result in an average increase of ten (10) minutes to the normal trip time and are beyond the control of the drivers. Examples of such conditions would be vehicle security checks at the airport or major construction projects on Interstate 5 or State Route 99 that delay traffic.

(Ord. 121737 § 1, 2005; Ord. 121131, § 1, 2003; Ord. 119872 § 20, 2000; Ord. 118341 § 2(part), 1996.)

VI.

Enforcement

6.310.600 Penalties.

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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.

C. Any person who alters, edits, destroys, removes, copies, transfers, transmits, erases, deletes, overwrites, obscures, damages, encodes, locks, renders unreadable, or otherwise tampers with any image made by a digital security camera, other than as may occur in the normal operation of the digital security camera system as mandated and authorized by the Director, shall be guilty of 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.
 (Ord. 121857 § 6, 2005; 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 a For-hire Driver, or a Taxicab Licensee or For-hire Vehicle For Each Violation	Penalty Points Attributed to Taxicab Association For Each Violation
1. Violations Found During a Calendar Year Away from City's Inspection Facility.		
First Class A in one year	\$35.00	2
Second Class A in one year	\$70.00	3
Third or more Class A violation in one year	\$120.00	4
First Class B violation in one year	\$70.00	4
Second Class B violation in one year	\$175.00	7
Third or more Class B violation in one year	\$300.00	10
All Class C violations	\$1,000.00	20
2. Violations Found During Inspections at City's Inspection Facility.		
Failure to appear for inspection scheduled by the Director (see Section 6.310.330 I and paragraph below)	\$50	2 penalty points
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

"Failure to appear for inspection scheduled by the Director" includes a late arrival for the inspection. If notification that the vehicle can not appear is made prior to the close of business on the business day before the scheduled inspection, and the taxicab plates are delivered to the inspection facility prior to the original inspection time, then no penalty will be due.

3. Penalties 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 During a Calendar Year.

Violation	Penalty Points Against Taxicab Association
First Class A violation in one year	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) 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 Dollars (\$150) 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 Dollars (\$250) 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. (The Director will compute the number of taxicabs within the association by averaging the number of taxicabs in the association (rounded up) at the beginning of the year and the number of cabs at the end of each completed quarter, i.e., March 31st, June 30th, etc.). If an association has exceeded the average amount of penalty points as outlined above, the penalty will be due as of the end of the current quarter. The association may ask for a hearing with the Director concerning the assessment of such penalty. At such hearing the association will present any evidence to refute or mitigate the performance of the association. After the hearing, the Director may impose the penalty, reduce the penalty, or with just cause waive the penalty and put the association on probation with specific performance guidelines. If the association does not meet the guidelines imposed, the Director will impose the penalty. In any case, the Director's decision is final.

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.

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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 prerequisite to pursuing collection of the penalty from the taxicab association.
(Ord. 121738 § 22, 2005; Ord. 119872 § 21, 2000; 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.

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- Seattle Municipal Code
December 2007 code update file
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See ordinances, code amendments, and tabular changes for complete and accurate information.
this source is not intended to provide the accuracy of
- 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, 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 licensee and the taxicab association. If the affected licensee is a taxicab licensee, 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 licensee 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, other than a summary suspension or revocation pursuant to Section 6.310.610 A, shall state that the driver, taxicab or for-hire vehicle licensee, 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, submitted by the person named on the violation, filed within ten (10) calendar 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 thirty (30) calendar days from the date of the request or the next business day after that if the thirtieth day falls on a weekend or holiday.

C. Any notice of summary suspension or revocation pursuant to Section 6.310.610 A and D1, shall state that the driver, taxicab or for-hire vehicle licensee, 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, submitted by the person named on the violation, filed within ten (10) calendar days after the date of the notice of the summary suspension or revocation, the Director shall set a hearing date and time to be held as soon as possible and not more than seven (7) calendar days from the date of the request or the next business day after that if the seventh day falls on a weekend or holiday. The Director shall render a decision affirming or reversing the summary suspension or revocation within three (3) business days after the conclusion of the hearing.

D. The decision of the Director is final only if a monetary penalty is imposed or if a timely appeal is not filed pursuant to subsection G. A taxicab license or for-hire driver license may be reinstated without a hearing if the violation was for failure to pay a monetary penalty within thirty (30) days, if the licensee pays the monetary penalty in full within ten (10) days of the date of license revocation and pays a license reinstatement fee. This authority to reinstate licenses without a hearing only applies if it is the first instance of failure to pay a monetary penalty in the calendar year.

E. 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.

F. 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, 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 licensee or taxicab driver, the decision shall be mailed by first class mail to the licensee at the address of the taxicab association.

G. If the Director's decision imposes or affirms a denial, suspension or revocation, including summary 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. Decisions of the Director imposing a monetary penalty only, pursuant to subsection D, shall not be appealable to the Hearing Examiner.

H. If a timely notice of appeal is filed pursuant to subsection G 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.

I. The Hearing Examiner may affirm, modify or reverse the decisions of the Director. (Ord. 121738 § 23, 2005; Ord. 118341 § 2(part), 1996.)

VII.

Miscellaneous

6.310.700 Passenger complaint hotline.

The Director may establish, in conjunction with King County and the Port of Seattle, a shared passenger complaint telephone number and complaint resolution process. (Ord. 121738 § 24, 2005; Ord. 118341 § 2(part), 1996.)

6.310.710 Passenger complaint process.

A. Upon receiving a 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 applicable taxicab association representative or for-hire vehicle licensee advising such person of the allegation(s) made in the complaint;
2. Require the for-hire vehicle licensee or the taxicab association to respond, in writing, to the allegation(s) in the notice of complaint within ten (10) days of receipt of the notice of complaint;
3. Require the taxicab association or for-hire vehicle licensee to investigate the allegation(s) in the notice of complaint and the response submitted by the for-hire driver or vehicle owner;
4. Require the taxicab association or for-hire vehicle licensee to make a finding as to the validity of

the allegation(s) in the complaint. If it is found to be a valid complaint the director may issue a notice of violation pursuant to SMC Section 6.310.635; and

5. Require the taxicab association to take the appropriate action to resolve the complaint which may include a written explanation, a written apology, reimbursement of any fare overcharges, mandatory driver retraining, suspension of driver, or any other reasonable action necessary to resolve the complaint with the passenger.

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, taxicab or for-hire vehicle licensee'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. 121738 § 25, 2005; Ord. 120179 § 7, 2000.)

6.310.720 Renewal 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.)

6.310.730 Plates, 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 DRIVERS

Sections:

Subchapter I General Provisions

- 6.315.010 Purpose.
- 6.315.020 Definitions.
- 6.315.030 Scope of chapter.
- 6.315.040 Licenses required.
- 6.315.050 License-expiration, transfer, issuance, rule-making.
- 6.315.060 Fees.
- 6.315.070 Licensee responsibilities--General.

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

- 6.315.100 For-hire horse-drawn carriage license application.
- 6.315.110 For-hire horse-drawn carriage--License denial.
- 6.315.120 Insurance.
- 6.315.130 For-hire horse-drawn carriage--Operating requirements and responsibilities.

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Subchapter III Carriage Horse License--Requirements and Regulations

6.315.200 Carriage horse license--Application.

6.315.210 Carriage horse--Standards for license denial.

6.315.220 Carriage horse--Operating requirements and responsibilities.

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.

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

D. "Director" means the director of the Department of Executive Administration 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.

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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. 120794 § 184, 2002; Ord. 120181 § 108, 2000; 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:

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- 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 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.)

6.315.120 Insurance.

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.)

6.315.130 For-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);
- 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 veterinarian 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.

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(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 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);

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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.)

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,

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- 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:
- a. All crimes, if any, of which the applicant has been convicted within the three (3) years previous to the date of application, and if any, the date and type of conviction,
 - 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.)

6.315.310 Horse-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

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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.)

6.315.320 For-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);
- 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;

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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.

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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.
 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.)

CHAPTER 6.410

REFRIGERATION SYSTEMS

Sections:

- 6.410.010 Scope, purpose and authority.
- 6.410.020 Unlawful activities.
- 6.410.030 Definitions.
- 6.410.040 Application and examination.
- 6.410.050 Applications by corporation, partnership, or association.
- 6.410.060 Qualifications for licenses.
- 6.410.070 License classifications.
- 6.410.095 Reciprocity.
- 6.410.150 Notification of unsafe or hazardous equipment.
- 6.410.200 License renewal.
- 6.410.210 Revocation of license.
- 6.410.220 Refrigeration Advisory Board.
- 6.410.240 Inspections.
- 6.410.250 Stop work orders.
- 6.410.260 Notice of violation.
- 6.410.270 Penalties.
- 6.410.280 Additional relief.
- 6.410.290 Existing licenses continued.
- 6.410.300 Application of other provisions.

6.410.010 Scope, purpose and authority.

The regulation and licensing of businesses and individuals that engage in installation, repair, alteration, servicing and operation of refrigeration and air conditioning systems is governed by this chapter.

The purpose of this chapter is to provide standards for safe installation, repair, alteration, servicing and operation of refrigeration systems.

The Director of the Department of Planning and Development is authorized to implement and enforce all the provisions of this chapter.
(Ord. 122109 § 2, 2006)

6.410.020 Unlawful activities.

It is unlawful to do any of the following except in compliance with this chapter:

1. to engage in business as a refrigeration contractor, an air-conditioning contractor, or a refrigeration service shop; or
2. to accept employment or be employed as a journeyman refrigeration mechanic, an industrial

refrigeration engineer, a refrigeration service shop mechanic, or a refrigeration operating engineer; or

3. to contract for installation, repair, alteration or servicing of any refrigeration system or equipment; or
4. to engage in the business of or be employed in installing, repairing, altering or servicing any refrigeration system or equipment; or
5. to have charge of, or operate or permit anyone to have charge of or operate any refrigeration system or equipment.

Exceptions:

1. Welders may weld on refrigeration installations and equipment without a license when they are under the direct supervision of a licensed journeyman refrigeration mechanic or licensed industrial refrigeration engineer.
2. Apprentices may engage in such work without a license as authorized by this chapter.
3. Holders of existing industrial refrigeration engineers licenses may work as industrial engineers and shall be subject to the provisions of this code.

(Ord. 122109 § 2, 2006)

6.410.030 Definitions.

Words and phrases used in this chapter have the following meanings:

A. "Apprentice" means a person who is employed in installation, alteration, repair, servicing, or operation of refrigeration systems or equipment, as an artisan, and who is registered and is working under the direct supervision of a licensed operating engineer, industrial engineer, refrigeration mechanic, or service shop mechanic.

B. "Board" means the Refrigeration Advisory Board created by this chapter.

C. "Director" means the Director of the Department of Planning and Development and authorized representative.

D. "Industrial refrigeration engineer" means a full-time employee who spends a substantial portion of time in the installation, addition to, repair, service, or operation of refrigeration systems in a building, or portion thereof, used for manufacturing, processing, or storage of materials or products, including among others, chemicals, food, candy and ice cream factories, ice-making plants, meat-packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system, and whose duty is to install, add to, repair, service, and operate all of the employers' refrigeration systems and equipment.

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E. "Journeyman refrigeration mechanic" means a person engaged in the installation, repair, or servicing, as an artisan, of any refrigeration system, equipment, or parts thereof.

F. "Person" means any individual, firm, corporation, partnership, or association.

G. "Recognized school of technology" means one which is accredited by a national or regional accrediting association.

H. "Refrigeration contractor" means a person who engages in the business of installation, alteration, or repairing of refrigeration equipment, including air conditioning, and in planning, engineering, and superintendence in connection therewith.

I. "Refrigeration operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of a refrigeration system in a building, or portion thereof, used for manufacturing, processing, or storage of materials or products, including among others, chemicals, food, candy, and ice cream factories, ice-making plants, meat-packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system, and whose duty is to operate, maintain, and keep in a safe and serviceable condition all of the employers' refrigeration systems and equipment.

J. "Refrigeration system" is a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and shall include not only the direct system but also the "indirect system" as defined in the Seattle Municipal Code.

(Ord. 122109 § 2, 2006)

6.410.040 Application and examination.

A. Applications for a refrigeration contractor's license shall be made to the Director on forms prescribed by the Director. Applications shall be accompanied by a receipt showing payment of the fee required by the Fee Subtitle, Section 22.900E. The application shall set forth the types of refrigerants and types of refrigerating systems with which the applicant is familiar by actual experience or education. Upon approval of the application by the Director, the Director shall issue a license.

B. The Director may require applicants to pass an examination to determine their qualifications for a license. Examinations may include oral and written examinations and practical demonstrations on different phases of refrigeration. Examinations shall be designed to determine the skill and ability of the applicant to competently perform the work which a license will authorize.

C. The Director shall refuse to issue a license if the result of the examination is such that the Director determines the applicant does not have sufficient knowledge and experience, or if the applicant is found to be unfit to perform the duties of licensees. The action of the Director shall be final.

D. It is sufficient cause to refuse to issue a license, or any renewal thereof, if the applicant, through neglect or incompetence while working on a refrigeration system, has caused serious damage to property or has endangered the lives of others.

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(Ord. 122109 § 2, 2006)

6.410.050 Applications by corporation, partnership, or association.

If application for a refrigeration contractor's license is by a corporation, partnership, or association, or by an individual owner or operator who does not perform actual work as an artisan, the application shall designate one (1) or more individuals as officers or employees, who shall take the qualifying examinations. If the individual or individuals designated pass the examination, the license shall be issued in the name of the applicant and the individual passing the examination. The individual named in the license shall be in charge of all refrigeration installation, alteration, repair or service done by or for the corporation, partnership or association, or by such individual owner. Whenever any such individual is no longer associated with the corporation, partnership or association, or such individual owner, they shall report the fact of such disassociation to the Director within thirty (30) days and the license shall be suspended until a new qualified individual is designated to perform such work in behalf of the corporation, partnership or association or individual owner. Failure of a corporation, partnership or association or such individual owner to report such disassociation shall be a violation of this chapter. An individual who has qualified to render service for one (1) corporation, partnership or association, or individual owner, may on written application have his/her authority and qualifications to act transferred to any other licensed corporation, partnership, or association, or individual owner with the written consent of such other corporation, partnership or association, or individual owner.

(Ord. 122109 § 2, 2006)

6.410.060 Qualifications for licenses.

- A. Before a candidate is allowed to take an examination for a license as a journeyman refrigeration mechanic, the candidate shall furnish satisfactory proof to the Director of the following qualifications:
1. Three (3) years full-time experience as a journeyman refrigeration mechanic or its equivalent; or
 2. Two (2) years training in a recognized school of technology, plus two (2) years full-time actual experience at the trade; or
 3. Graduation from a recognized school of technology plus one (1) year actual experience at the trade.
- B. The Director may approve licenses for refrigeration operating engineers limited as to employment of such engineer in a particular location and with respect to a refrigeration system using specified types of refrigerants.
- C. All applications for examinations shall be filed with the Director, accompanied by the required examination fee. The applicant shall be examined by the Director, and if the applicant passes, the Director shall, upon payment of the required license fee, issue the proper license to the applicant.
- (Ord. 122109 § 2, 2006)

6.410.070 License classifications.

Licenses shall be classified as follows:

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- Seattle Municipal Code
December 2006 code update file
Text prepared for public reference only.
See ordinances creating and amending sections for complete grants and tables and to confirm accuracy of this source file.
- A. *Refrigeration Journeyman's License.* A refrigeration journeyman's license is required except as herein provided for all persons who install, alter or repair a refrigeration system with a unit containing six (6) pounds or more of any refrigerant and actuated by a motor or engine having a standard rating of one-fourth (1/4) horsepower or more, or absorption systems having a rating of one-fourth (1/4) ton or more refrigeration effect.
- B. *Refrigeration Contractor's License.* A refrigeration contractor's license is required except as provided by this chapter for all persons who install, repair, service, alter, or move approved self-contained or unit refrigeration systems as defined by the Seattle Municipal Code.
- C. There shall be three (3) classes of licenses for refrigeration contractors and for journeyman refrigeration mechanics as follows:
- Class A--Covering refrigeration machines using only sulphur dioxide, methyl chloride, all freons;
- Class B--Covering refrigerating machines using all other refrigerants;
- Class C--Covering all refrigerating machines using refrigerants included in Classes A and B.
- D. *Refrigeration Operators Licenses.* A refrigeration operators license is required except as provided by this chapter for all persons who operate and conduct maintenance of refrigeration and air conditioning systems that require annual certification in accordance with Section 122 of the Seattle Mechanical Code.

A refrigeration contractor's license is not required to install, alter, add to, repair, or service an established refrigeration system in a building where the owner and/or operator employs, in the regular course of business, an industrial refrigeration engineer licensed under this chapter. No license is required to repair or service an established refrigeration system in a building where the owner and/or operator employs, in the regular course of business, a refrigeration operating engineer licensed under this chapter.
(Ord. 122109 § 2, 2006)

6.410.095 Reciprocity.

The Director may establish procedures for recognizing licenses issued by other jurisdictions whose licensing programs satisfy the purposes of this chapter.
(Ord. 122109 § 2, 2006)

6.410.150 Notification of unsafe or hazardous equipment.

A. Any refrigeration system or equipment or any alteration or repair thereof shall at all reasonable times be subject to inspection by the Director. If it is found on such inspection that the system or equipment, including any alteration or repairs, is unsafe or hazardous or is in a condition dangerous to life or property, written notice thereof shall be given to the owner or operator of such system or equipment. The system or equipment shall not thereafter be operated or maintained until it has been made safe and approved for operation

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and maintenance by the Director.

B. Whenever a person licensed according to this chapter believes any part of a refrigeration system is in defective or potentially unsafe condition, the licensee shall report the fact in writing to the owner of the system. If immediate corrective action is not taken, the licensee shall report such defective or potentially unsafe conditions to the Director.

C. It is the duty of all licensees to report serious negligence in the care and operation of refrigeration systems to their employers and the Director.
(Ord. 122109 § 2, 2006)

6.410.200 License renewal.

A. All licenses shall expire on June 30 of each year.

B. Licenses may be renewed annually upon payment of the renewal fee.

C. If more than one (1) year has elapsed since the expiration of the license, the examination shall be retaken.

D. It is sufficient cause to refuse to renew a license if the applicant, through neglect or incompetence while working on a refrigeration system, has caused serious damage to property or has endangered the lives of others.
(Ord. 122109 § 2, 2006)

6.410.210 Revocation of license.

A. Any license issued pursuant to this chapter may be revoked by the Director if any of the following is found:

1. The licensee has misrepresented facts related to the installation, repair, alteration, servicing and operation of a refrigeration system;
2. The licensee has provided false information on an application for a license governed by the chapter;
3. The licensee fails an examination administered according to this chapter;
4. The licensee demonstrates neglect or incompetence in the installation, repair, alteration, servicing and operation of a refrigeration system pursuant to this chapter; or
5. There are special circumstances that warrant revocation in the interests of public safety and welfare.

Licenses that have been revoked may be reinstated only after the applicant passes an examination administered according to this chapter.

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B. Whenever the Director determines that there are grounds for revoking a license, the Director may issue a notice of revocation and stop work order. The notice shall be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail to the licensee.

C. Unless a request for review before the Director is made in accordance with this subsection, the notice shall become the final order of the Director. A request for review is an administrative remedy that must be exhausted before judicial review of the decision may be sought.

1. Any person aggrieved by a notice issued by the Director pursuant to this section may obtain a review of the notice by delivering to the Department such request in writing within ten (10) days of the date of service of the notice. For purposes of this subsection, service shall be complete at the time of personal service, or if mailed, three (3) days from the date of mailing. When the last day of the period so computed is a Saturday, Sunday or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the notice of the deadline for submitting additional information in the form of written material for the review, which shall be within ten (10) days after the request is received. Before the deadline for submission of information, any person aggrieved by or interested in the notice (including any persons served the notice) may submit any additional information in the form of written material to the Director for consideration as part of the review.
2. The review will be made by the Refrigeration Advisory Board. The Refrigeration Advisory Board will review all additional information received by the deadline for submission of information. The Board may also request clarification of information received. After review of the additional information, the Refrigeration Advisory Board may recommend that the Director:
 - a. Sustain the notice of revocation;
 - b. Withdraw the notice; or
 - c. Continue the review to a date certain for receipt of additional information.
3. Recommendations of the Board shall be in writing; shall be mailed to the Director and the appellant; and shall apply only to the case being heard.
4. The Director shall issue an Order and shall cause the same to be sent by first class mail to the person or persons named on the notice and any other person that has requested notice of the decision.
5. Any person who has standing to file an appeal with the Hearing Examiner may file such an appeal within ten (10) days of issuance of the Order of the Director.

(Ord. 122109 § 2, 2006)

6.410.220 Refrigeration Advisory Board.

A. The Director shall appoint a Refrigeration Advisory Board for the purpose of advising and assisting the Director in the administration of licenses regulated by this chapter. The Director is authorized to define the duties and prescribe the procedures for the Board. The Board may recommend to the Director such revisions to this chapter as it may deem appropriate.

B. The Board shall consist of five (5) voting members who are, or who have been licensed under the provisions of this chapter. A representative of the Director shall serve as a nonvoting member and act as secretary for the Board.
(Ord. 122109 § 2, 2006)

6.410.240 Inspections.

Licensees shall have their license card available while performing installation, repair, alteration, servicing and operation of a refrigeration system and shall present the card prior to or at the time of inspection of the installation, alteration or repair at the request of the Director. The Director may conduct periodic inspections of licensees to determine compliance with these regulations.
(Ord. 122109 § 2, 2006)

6.410.250 Stop work orders.

If the Director finds any installation, repair, alteration, servicing or operation of a refrigeration system is being done in violation of this chapter, the Director may issue a stop work order. The order shall describe the violation in writing. It shall be posted on the premises or served on any person responsible for the condition or work. It is unlawful for any person to engage in or to cause any work subject to the order to be done until authorization from the Director is received.
(Ord. 122109 § 2, 2006)

6.410.260 Notice of violation.

A. Notice. If, after investigation, the Director determines that there has been a violation of this code not resulting in revocation of a license, the Director may serve a notice of violation upon the person responsible for the action or condition. The notice of violation may state the requirements violated, what corrective action, if any, is necessary to comply with the standards or requirements, and set a reasonable time for compliance. The notice may be served upon the responsible person by regular first class mail, addressed to the last known address of such person. The notice of violation shall be considered an Order of the Director.

B. Other remedies. Nothing in this subsection shall be deemed to limit or preclude any action or proceeding pursuant to Section 6.410.250 of this code, and nothing in this section shall be deemed to obligate or require the Director to issue a notice of violation prior to the imposition of civil or criminal penalties.

C. Review by the Director. Any person affected by a notice of violation issued by the Director pursuant to this chapter may obtain a review of the notice by requesting such review in writing within ten (10) days after service of the notice. Service shall be complete at the time of personal service, or if mailed, on the date of mailing. When the last day of the period computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. Upon receipt of a request, the Director shall notify the person requesting the review of the date, time and place of the Director's review. The review shall be

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

not less than ten (10) nor more than twenty (20) days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit additional information to the Director for consideration on or before the date of the review.

A representative of the Director who is familiar with the case and the applicable regulations will conduct the review. The Director's representative will consider any information presented and in the Department's file. After the review, the Director shall issue an Order of the Director that may:

1. Sustain the notice of violation; or
2. Withdraw the notice of violation; or
3. Amend the notice of violation; or
4. Continue the review to a future date.

The Director shall issue an order within a reasonable time after the conclusion of the review. The Director shall mail the order by regular first class mail to the person or persons named in the notice of violation. (Ord. 122109 § 2, 2006)

6.410.270 Penalties.

A. Civil Penalties. Any failure to comply with the provisions of this chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars (\$500) per day for each violation from the date the violation occurs or begins until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.

B. Alternative Criminal Penalty. Any person who violates or fails to comply with this chapter shall be guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. (Ord. 122109 § 2, 2006)

6.410.280 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes a violation of this chapter when civil or criminal penalties are inadequate to effect compliance. (Ord. 122109 § 2, 2006)

6.410.290 Existing licenses continued.

Anyone holding a license under Chapter 6.82, and in effect at the time the ordinance codified in this chapter becomes effective, shall be entitled to continue to operate under that license subject to all the provisions

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of this chapter.
(Ord. 122109 § 2, 2006)

6.410.300 Application of other provisions.

The licenses provided for in this chapter are subject to the general provisions of the Seattle License Code set forth in Chapters 6.01 and 6.202. In the event of a conflict between the provisions of Chapters 6.01 and 6.202 and this chapter, the provisions of this chapter shall control.
(Ord. 122109 § 2, 2006)

CHAPTER 6.420

STEAM ENGINEERS AND BOILER FIREMEN

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6.420.010 Scope, purpose and authority.

The regulation and licensing of steam engineers and boiler firemen and the operation of boilers and steam engines are governed by this chapter.

The purpose of this chapter is to provide standards for safe operation of boilers and steam engines.

The Director of the Department of Planning and Development is authorized to implement and enforce all the provisions of this chapter.
(Ord. 122115 § 2, 2006)

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6.420.020 Unlawful activities.

A. 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 issued under this chapter.

B. It is unlawful to hire or contract with a person who does not have a license issued under this chapter to have charge of, or operate, any boiler or steam engine.

C. It is unlawful for any person to knowingly:

1. Prevent or attempt to prevent any person licensed under this chapter from performing any act required to be performed by this chapter; or

2. Require or attempt to require any person licensed under this chapter to perform any act prohibited by this chapter.

D. It is unlawful to fail to abide by a stop work order issued by the Director.
(Ord. 122115 § 2, 2006)

6.420.030 Definitions.

Words and phrases used in this chapter have the following meanings:

"Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum by the direct application of heat. The term "boiler" also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

"Boiler plant" means one (1) or more boilers and connecting piping and vessels within the same premises.

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

"BHP" means brake horsepower.

"Certified automatic boiler" means a boiler equipped with certain controls and limit devices as required by the Seattle Boiler Code, and for which the Director has finalized an Automatic Certification Application Permit.

"Certified monitored boiler" is a certified automatic boiler that meets the requirements of Section 330 of the Seattle Boiler Code and for which the Director has finalized a Monitored Certification Application Permit.

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

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"Department" means the Department of Planning and Development.

"Director" means the Director of the Department of Planning and Development and authorized representatives.

"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.

"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 a water temperature exceeding two hundred ten (210) degrees Fahrenheit but not exceeding a temperature of two hundred fifty (250) degrees Fahrenheit, or a pressure not exceeding one hundred sixty (160) psi, that provides hot water to be used externally to itself.

"kBtuh" means thousand BTU per hour.

"Low-pressure hot-water heating boiler" is a boiler from which hot water is circulated for heating purposes at pressures not exceeding one hundred sixty (160) psi and temperatures not exceeding two hundred fifty (250) degrees Fahrenheit, that provides hot water to be used externally to itself.

"Low-pressure steam-heating boiler" is a boiler furnishing steam at pressures not exceeding fifteen (15) psi.

"Nonregenerative system" is a system in which the heat rejected by an engine is lost to the atmosphere.

"Out of service." A boiler is "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 6.420.150.

"Potable water heater" (fired, electric, solar, and indirect) is a closed vessel in which water is heated by the combustion of fuels, electricity, or any other source, and withdrawn for use external to the system. Potable water heaters do not exceed any of the following criteria or capacities: a nominal water-containing capacity of one hundred twenty (120) gallons, a heat input of two hundred thousand (200,000) BTU per hour, an operating temperature of two hundred ten (210) degrees Fahrenheit, and a pressure of one hundred sixty (160) psi.

"Power hot-water boiler" (high-temperature water boiler) is 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 (250) degrees Fahrenheit.

"Power steam boiler" is 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.

"psi" means pounds per square inch.

"Regenerative system" is a system in which the heat rejected by an engine is used in a boiler.

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"Seattle Boiler Code" is the Seattle Boiler and Pressure Vessel Code (Title 22 Subtitle IVA of the Seattle Municipal Code).

"Small power boiler" is a power steam boiler with pressures not exceeding one hundred fifty (150) psi and not exceeding eight hundred thousand (800,000) BTU per hour heat input.

"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.
(Ord. 122115 § 2, 2006)

6.420.040 Applications and examinations.

A. Persons desiring a license, or change of limitation as described in Section 6.420.070, shall make written application to the Director on forms provided by the Director. Applications shall be accompanied by a receipt showing payment of the required examination fee as required by the Fee Subtitle, Chapter 22.900E.

B. Applicants for an operator's license shall pass an examination administered by the Director, and shall show to the satisfaction of the Director that they meet the minimum qualifications for one of the grades of license specified in Table A of Section 6.420.070.

C. Examinations shall be practical in their character and shall relate to those matters that will fairly test the minimum capacity, skill, experience, and competence of each person examined to safely operate and properly care for boilers and steam engines, within the scope of the license sought.

D. The Director may require affidavits regarding an applicant's character, training, experience and record, and such other supporting credentials as may be necessary to determine the applicant's fitness.

E. The Director 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 Director determines the applicant does not have sufficient knowledge of, and experience in, the care or operation of boilers or steam engines, or if the applicant is found to be unfit to operate boilers or steam engines safely. The action of the Director shall be final.

F. It is sufficient cause to refuse a steam engineer's or boiler fireman's license, or any renewal thereof, if the applicant, through neglect or incompetence while in charge of a boiler or steam engine, has caused serious damage to property or has endangered the lives of others.
(Ord. 122115 § 2, 2006)

6.420.050 Exemptions from license requirements.

A steam engineer's or boiler fireman's license is not 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 Seattle 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 (100) pounds per square inch or less;

E. Potable water heaters;

F. Ancillary equipment that may be connected to the operation of a boiler or boiler system such as, but not limited to, pumps, filters, pre-heaters, heat exchangers, and related pressure vessels;

G. Non-regenerative gas turbines.

(Ord. 122115 § 2, 2006)

6.420.060 Periodic refresher training required.

All persons licensed according to this chapter shall attend an approved refresher course every five (5) years. A document indicating proof of completion of the approved refresher course shall be provided to the Director.

(Ord. 122115 § 2, 2006)

6.420.070 Grades of licenses and limitations.

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

Grade I Boiler Supervisor

Grade II Boiler Supervisor

Grade III Boiler Supervisor

Grade I Steam Engineer

Grade II Steam Engineer

Grade III Steam Engineer

Grade IV Boiler Fireman

Small Power Boiler Fireman

Grade V Boiler Fireman.

B. License Limitations. The Director may impose limitations on licenses restricting the licensee to the operation and maintenance of particular equipment at a stated location, or to the operation and maintenance

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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. Limitations shall be based upon the applicant's qualifications and shall be reasonably related to the protection of the public in the safe operation and maintenance of boilers and steam engines. Limitations may include, but are not limited to the following:

1. Operation of boilers only.
2. Operation of electric boilers only.
3. Operation of hot water boilers only.
4. Work at one (1) address only.

C. Applicants for a license shall possess the minimum qualifications for each grade of license as specified in Table A.

Table A--Qualifications for Steam Engineer and Boiler Fireman Licenses	
Grade of License applied for:	Minimum Qualifications
Grade I Boiler Supervisor	At least one year of experience as a Grade I Steam Engineer pursuant to the provisions of this ordinance.
Grade II Boiler Supervisor	At least one year of experience as a Grade II Steam Engineer pursuant to the provisions of this ordinance.
Grade III Boiler Supervisor	At least one year of experience as a Grade III Steam Engineer pursuant to the provisions of this ordinance.
Grade I Steam Engineer	1. At least five years of employment in a position directly responsible for the operation of boilers, or 2. Educational substitution for experience as allowed by Section 6.420.080 item 1, plus three years of experience. Licenses shall be limited to boilers only unless the applicant proves at least one year of experience in the operation of steam engines.

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Grade II Steam Engineer	1. At least four years of employment in a position directly responsible for the operation of boilers, or 2. Educational substitution for experience as allowed by Section 6.420.080 item 1, plus two years of experience. Licenses shall be limited to boilers only unless the applicant proves at least one year of experience in the operation of steam engines.
Grade III Steam Engineer	1. At least three years of employment in a position directly responsible for the operation of boilers, or 2. Educational substitution for experience as allowed by Section 6.420.080 item 1, plus one year of experience. Licenses shall be limited to boilers only unless the applicant proves at least one year of experience in the operation of steam engines.
Grade IV Boiler Fireman	1. At least one year of employment in a position directly responsible for the operation of boilers, or 2. Allowable educational substitution for experience as allowed by Section 6.420.080 item 1 or 2. Licenses shall be limited to boilers only unless the applicant proves at least one year of experience in the operation of steam engines.
Small Power Boiler Fireman	No previous experience required.
Grade V Boiler Fireman	No previous experience required.

(Ord. 122115 § 2, 2006)

6.420.080 Allowable educational substitution for experience.

The educational qualifications described in this section may substitute for the work experience required by Section 6.420.070, when approved by the Director.

- A. Graduation from a recognized school of technology with a curriculum approved by the Steam Licensing Advisory Board.
- B. Completion of a training course in the fundamentals of boiler operation approved by the Director

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may be substituted for one (1) year of boiler operating experience. The course shall include at least forty (40) hours of classroom work and either:

1. 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

2. Forty (40) hours of lab work at a facility approved by the Director.

(Ord. 122115 § 2, 2006)

6.420.090 Special license.

A. Those who have been employed at least two (2) years as licensed steam engineers or boiler firemen operating a boiler plant may apply for a special license if the capacity of the plant is enlarged or changed beyond the limits of their license. The special license shall permit the licensee to operate only 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 this chapter to operate the enlarged or changed boiler plant. When the investigation and examination reveal that the applicant is qualified to operate the plant in its changed condition, the Director shall approve the application and issue a special license.

B. Special licenses may be renewed only once. At the expiration of the renewed license, licensees shall upgrade their licenses in accordance with the requirements of Section 6.420.070. If upgrades are not applied for, the licenses shall revert to the grade held prior to the issuance of the special license.

(Ord. 122115 § 2, 2006)

6.420.095 Reciprocity.

The Director may establish procedures for recognizing gas piping mechanic licenses issued by other jurisdictions whose licensing programs satisfy the purposes of this chapter.

(Ord. 122115 § 2, 2006)

6.420.100 Observation and inspection of boilers.

A. The minimum requirements for operation and inspection of each type and capacity of equipment are as set forth in this Section and Tables B and C of this Section 6.420.100.

B. Constant attendance. When constant attendance is required by this chapter, the engineer or boiler fireman in charge of a boiler, boiler plant, or steam engine shall not leave the boiler room or engine room when the 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.

Exception: The steam engineer or boiler fireman may take an occasional break without stopping the engine, shutting down the boiler or being relieved. In no case may any break last more than twenty (20) minutes.

C. Checked by boiler supervisor. When this chapter requires a boiler to be checked by a boiler supervisor, the boiler supervisor shall inspect all controls and safety devices pursuant to the requirements of

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Section 6.420.120 D, as a minimum.

D. Checked by licensed operator. When this chapter requires a boiler to be checked by a licensed operator, a person holding a license issued under this chapter shall perform a physical examination of the boiler or engine to ensure proper operation and maintenance pursuant to the requirements of Sections 6.420.110 and 6.420.150, as a minimum.

E. Twice daily check. When this chapter requires twice daily checks, the inspections that are required to be recorded in the boiler logbook by Section 6.420.110 shall be performed at least two (2) times each day. 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. Additional checks may be made to ensure safe operation of a boiler. Twice daily checks may not be performed by a Boiler Supervisor unless the Boiler Supervisor is a full time employee of the boiler owner.

F. Check once every two (2) hours. When this chapter requires a check every two (2) hours, a physical examination of the boiler or engine to ensure proper operation and maintenance pursuant to the requirements of Sections 6.420.110 and 6.420.150, as a minimum, shall be made at least once every two (2) hours.

G. For purposes of Tables B and C, the input ratings of boilers shall be computed as follows:

1. For gas, propane and similar burners, the rating shall be equal to the burner input as rated and labeled by the burner manufacturer. Where actual fuel flow during burner operation at the maximum firing rate can be reliably measured, the burner input may be computed by such method.
2. For oil burners, the rating shall be equal to the gallons-per-hour rating of the fuel nozzle or nozzles.
3. For electric boilers the rating shall be equal to the electrical input in KW as rated and labeled by the boiler manufacturer.
4. In the case of multiple fuel burners, the rating shall be the greater of all computed inputs.
5. For boilers in battery (connected to a common header), the rating shall be the cumulative input, as measured in paragraphs 1, 2, 3, or 4 above. For boilers in battery wired so that only a single boiler can operate at a given time, the license requirement shall be determined by the most restrictive individual license requirement for any boiler in the battery.
6. For regenerative systems, the BHP of the prime mover (gas turbine, engine, etc.) will determine the grade for downstream recovery boilers and steam turbines.

H. All checks of boilers pursuant to the requirements of this chapter shall be logged and recorded as set forth in Section 6.420.110.

Table B License Requirements For Operation of Power Boilers and Steam Engines

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Type of Boiler	Minimum License Requirement
A. All Boilers	
0--100 psi and 0--100 kBtuh input	No license required
B. Electric Boilers	
Not exceeding 1.5 cu. ft. and not exceeding 100 psi	No license required
C. All Boilers except Small Power Boilers	
Less than 1,000 kBtuh input each; not certified as Automatic. No more than 2 steam boilers on same header. ¹	Check by a Grade IV Boiler Fireman once every two hours
D. Small Power Boilers	
Maximum 800 kBtuh input; not certified as Automatic. No more than 2 steam boilers on same header	Semiannual check by a Grade III Boiler Supervisor and twice daily checks by a Small Power Boiler Fireman; or a Small Power Boiler Fireman on premises
E. Boilers certified as Automatic	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh ¹	Check by a Grade IV Boiler Fireman once every two hours
2. More than 20,000 to 50,000 kBtuh input	Check by a Grade III Steam Engineer once every two hours
3. More than 50,000 to 300,000 kBtuh input	Check by a Grade II Steam Engineer once every two hours
4. More than 300,000 kBtuh input	Check by a Grade I Steam Engineer once every two hours
F. Boilers certified as Monitored	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh ¹	Monthly checks by a Grade III Boiler Supervisor and twice daily checks by a Grade IV Boiler Fireman
2. More than 20,000 to 50,000 kBtuh input	Monthly checks by a Grade III Boiler Supervisor and twice daily checks by a Grade III Steam Engineer
3. More than 50,000 to 300,000 kBtuh input	Monthly checks by a Grade II Boiler Supervisor and twice daily checks by a Grade II Steam Engineer; or Weekly checks by a Grade II Boiler Supervisor and twice daily checks by a Grade III Steam Engineer.

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4. More than 300,000 kBtuh input	Monthly checks by a Grade I Boiler Supervisor and twice daily checks by a Grade I Steam Engineer; or Weekly checks by a Grade I Boiler Supervisor and twice daily checks by a Grade II Steam Engineer.
G. All other boilers	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh ¹	Constant attendance by a Grade IV Boiler Fireman
2. More than 20,000 to 50,000 kBtuh input	Constant attendance by a Grade III Steam Engineer
3. More than 50,000 to 300,000 kBtuh input	Constant attendance by a Grade II Steam Engineer
4. More than 300,000 kBtuh input	Constant attendance by a Grade I Steam Engineer
H. Steam engines	
1. Maximum 250 BHP	Constant attendance by a Grade III Steam Engineer or the same attendance requirements as the boiler serving the engine
2. More than 250 to 1,500 BHP	Constant attendance by a Grade II Steam Engineer or the same attendance requirements as the boiler serving the engine
3. More than 1,500 BHP	Constant attendance by a Grade I Steam Engineer or the same attendance requirements as the boiler serving the engine

Table C License Requirements for Operation of Low Pressure Boilers

TYPE OF BOILER	MINIMUM LICENSE REQUIRED
A. All types of boilers	
0--2,500 kBtuh input	No license required
B. Boilers Not Certified as Automatic or Monitored	
1. 2,500 to 5000 kBtuh max input. No boilers in battery.	Grade V Boiler Fireman on premises
2. More than 5,000 to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no greater than 20,000 kBtuh. ¹	Constant attendance by a Grade IV Boiler Fireman
3. More than 20,000 to 50,000 kBtuh max input.	Constant attendance by a Grade III Steam Engineer
4. More than 50,000 to 300,000 kBtuh max input.	Constant attendance by a Grade II Steam Engineer

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5. More than 300,000 kBtuh max input.	Constant attendance by a Grade I Steam Engineer
C. Boilers certified as Automatic	
1. 2,500 to 5000 kBtuh max input	Monthly checks by a Grade III Boiler Supervisor, or quarterly checks by a Grade III Boiler Supervisor and twice daily checks by a Grade V Boiler Fireman, or a Grade V Boiler Fireman on premises
2. More than 5000 kBtuh to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh ¹	Quarterly checks by a Grade III Boiler Supervisor and twice daily checks by a Grade IV Boiler Fireman
3. More than 20,000 kBtuh--50,000 kBtuh max input.	Quarterly checks by a Grade III Boiler Supervisor and twice daily checks by a Grade III Steam Engineer
4. More than 50,000 kBtuh to 300,000 kBtuh max input.	Quarterly checks by a Grade II Boiler Supervisor and twice daily checks by a Grade II Steam Engineer.
5. Over 300,000 kBtuh max input.	Quarterly checks by a Grade I Boiler Supervisor and twice daily checks by a Grade I Steam Engineer
D. Boilers certified as Monitored	
1. 2,500 to 5000 kBtuh max input.	Quarterly checks by a Grade III Boiler Supervisor.
2. More than 5,000 to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh ¹	Semiannual checks by a Boiler Supervisor and twice daily checks by a Grade IV Boiler Fireman
3. More than 20,000 to 50,000 kBtuh max input. ¹	Semiannual checks by a Boiler Supervisor and twice daily checks by a Grade III Steam Engineer
4. More than 50,000 to 300,000 kBtuh max input.	Semiannual checks by a Grade II Boiler Supervisor and twice daily checks by a Grade II Steam Engineer; or Semiannual checks by a Grade II Boiler Supervisor and twice daily checks by a Grade III Steam Engineer.
5. Over 300,000 kBtuh max input.	Semiannual checks by a Grade I Boiler Supervisor and twice daily checks by a Grade I Steam Engineer; or Semiannual checks by a Grade I Boiler Supervisor and twice daily checks by a Grade II Steam Engineer.

Footnote to Tables B and C:

A Grade IV Boiler Fireman may operate more than two (2) steam or vapor boilers with a greater combined capacity when the fireman is the head fireman on duty and under the direct on-site supervision of a licensed steam engineer for the purpose of training. The boilers shall not exceed the capacity permitted by the license of the supervising engineer.

(Ord. 122115 § 2, 2006)

6.420.110 Duties of steam engineers and boiler firemen.

Licensed steam engineers and boiler firemen shall perform the following duties in connection with the 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 Director;
- C. Prepare and maintain a boiler log book and record, at least daily or as otherwise required by this chapter, 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. 122115 § 2, 2006)

6.420.120 Duties of boiler supervisors.

Boiler supervisors shall perform the duties listed in this section in connection with the supervision of automatic and monitored boilers.

- A. Prepare boiler logbooks with the name, telephone numbers, and home and business addresses of the boiler supervisor on the front cover. The boiler logbooks 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 logbooks. Determine proper firing rate and the set point or operating limits of all safety devices required on automatic or monitored boilers by the Seattle Boiler Code. Boiler supervisors shall clearly mark such set point or limits in the inside back cover of the boiler logbooks.

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- C. Determine the list of pertinent boiler data entries to be recorded in the boiler logbooks by the boiler owners or the owners' designated representatives 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 adjustments 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 is lawful to cross out words or sentences which should be changed or corrected but erasures are 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 Section 6.420.100. Examination shall include the testing of all control devices required for automatic boilers by the Seattle Boiler Code and the testing of monitoring systems when used.
- E. If a boiler is a certified monitored boiler as defined in Section 6.420.030:
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 all failures of either the equipment or the response to the City Boiler Inspector within twenty-four (24) hours. Such report shall be in writing.
- F. Boiler supervisors shall 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. They shall permit continued automatic boiler operation only if their examination, inspection and testing indicate that the boiler is in a safe operating condition.
- G. No modification, revisions, or alterations to a boiler or its control devices shall be made except under a boiler supervisor's supervision except:
1. Restoration of 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 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.
- H. Attend all startups of an automatic boiler out of service after corrective work other than limited adjustments or repairs by others as set forth in subsection G has been performed on the boiler, its firing equipment, or its control and safety devices. The boiler supervisor shall remain in constant
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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.

Boiler supervisors are not required to be in attendance during light-off of original boiler equipment being installed by and under the control of the boiler manufacturer or the manufacturer's representative, by a boiler installation contractor or boiler or burner installer making such installation under the manufacturer's written instructions and recommendations. Boiler supervisor are not 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. The 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. The representative, contractor or installer shall record all subsequent changes, adjustments, alterations or recommendations in the boiler logbook and shall sign the logbook.

- I. Provide for a substitute boiler supervisor to attend to boilers in the boiler supervisor's charge when he/she is unable to respond to trouble calls. The boiler supervisor shall list the names, home and business telephone numbers and addresses of substitute boiler supervisors on the front of the boiler logbooks.
- J. Respond to trouble calls in accordance with the following:
 1. Make verbal contact with the licensed operator, boiler owner or the owner's 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.
- K. A boiler supervisor may not act as both boiler supervisor and the licensed operator except when:
 1. The boiler supervisor is a full-time employee of the boiler owner/user or,
 2. The licensed operator is unavailable due to vacation, illness or similar temporary circumstances.

(Ord. 122115 § 2, 2006)

6.420.150 Reporting of defective boilers.

A. Before operating any boiler, steam engineers and boiler firemen shall examine the boiler permit issued for the boiler to see that the permit is in force. If the permit has expired the steam engineer or boiler fireman shall notify his/her employer. If the permit has been expired for more than ninety (90) days, the steam

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engineer or boiler fireman shall also notify the City Boiler Inspector of the date of expiration. The steam engineer or boiler fireman 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, the steam engineer or boiler fireman shall report the fact to his/her employer in writing. If immediate corrective action is not taken, the steam engineer or boiler fireman 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 Director.

D. Steam engineers and boiler firemen shall report to their employers and to the City Boiler Inspector any damage or injury to any boiler or steam engine under their charge or care which affects the safe operation of the 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 shall be sufficient cause for the suspension or revocation of the license of the person in charge.

E. It is the duty of all licensed steam engineers and boiler firemen to report serious negligence in the care of boilers and steam engines to their employers and the City Boiler Inspector.
(Ord. 122115 § 2, 2006)

6.420.180 Licenses to be posted or carried.

All licensed steam engineers and boiler firemen on duty shall display their licenses in a conspicuous place in the room where the boiler or steam engine is located. Licenses shall be effective only for the operation of the plant where they are displayed. When the posting of their licenses is not practicable, steam engineers and boiler firemen shall carry their licenses on their persons, and on demand shall exhibit the licenses. Boiler supervisors shall display legible copies of their licenses in the logbook of each boiler they supervise, pursuant to the requirements of Section 6.420.120.
(Ord. 122115 § 2, 2006)

6.420.190 Posting of regulations.

A copy of this chapter or a condensed version thereof shall be posted by the employer in every boiler and engine room where licensed operators or boiler supervisors are required.
(Ord. 122115 § 2, 2006)

6.420.200 License expiration and renewal.

- A. All licenses shall expire at midnight on September 30 of each year.
- B. Licenses shall not be transferred or assigned.
- C. Licenses may be renewed annually upon payment of the renewal fee. Renewals shall specify the

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same grade and be subject to such conditions or limitations as may be provided under the license to be renewed. Licensed persons desiring a renewal must also meet the requirements of Section 6.420.060.

D. The Director may refuse to renew a license if the license holder demonstrates neglect or incompetence in the care and operation of boilers pursuant to this code.

E. Licenses that have been expired for more than one (1) year shall not be renewed until the licensee has passed an examination administered in accordance with this chapter. (Ord. 122115 § 2, 2006)

6.420.210 Revocation of license.

A. Any license issued pursuant to this chapter may be revoked by the Director if any of the following is found:

1. The licensee has misrepresented facts related to the operation of any boiler or steam engine;
2. The licensee has provided false information on an application for a license governed by the chapter;
3. The licensee fails an examination administered according to Section 6.420.040;
4. The licensee demonstrates neglect or incompetence in the care and operation of boilers pursuant to this code; or
5. The existence of special circumstances that warrant revocation in the interests of public safety and welfare.

Licenses that have been revoked may be reinstated only after the applicant passes an examination administered according to this chapter.

B. Whenever the Director determines that there are grounds for revoking a license, the Director may issue a notice of revocation and stop work order. The notice shall be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail to the licensee.

C. Unless a request for review before the Director is made in accordance with this subsection, the notice shall become the final order of the Director. A request for review is an administrative remedy that must be exhausted before judicial review of the decision may be sought.

D. Any person aggrieved by a notice issued by the Director pursuant to this section may obtain a review of the notice by delivering to the Department such request in writing within ten (10) days of the date of service of the notice. For purposes of this subsection, service shall be complete at the time of personal service, or if mailed, three days from the date of mailing. When the last day of the period so computed is a Saturday, Sunday or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the notice of the deadline for submitting additional information in the form of written material for the review, which shall be

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within ten (10) days after the request is received. Before the deadline for submission of information, any person aggrieved by or interested in the notice (including any persons served the notice) may submit any additional information in the form of written material to the Director for consideration as part of the review.

1. The review will be made by the Steam License Advisory Board. The Steam License Advisory Board will review all additional information received by the deadline for submission of information. The Board may also request clarification of information received. After review of the additional information, the Steam License Advisory Board may recommend that the Director:
 - a. Sustain the notice of revocation;
 - b. Withdraw the notice; or
 - c. Continue the review to a date certain for receipt of additional information.
2. Recommendations of the Board shall be in writing; shall be mailed to the Director and the appellant; and shall apply only to the case being heard.
3. The Director shall issue an Order and shall cause the same to be sent by first class mail to the person or persons named on the notice and any other person that has requested notice of the decision.
4. Any person who has standing to file an appeal with the Hearing Examiner may file such an appeal within ten (10) days of issuance of the Order of the Director.

(Ord. 122115 § 2, 2006)

6.420.220 Steam License Advisory Board.

A. The Director shall appoint a Steam License Advisory Board consisting of as many as nine (9) members for four (4) year terms. The terms shall be staggered so that no more than three (3) board members' terms expire in the same year.

B. The Steam License Advisory Board shall consist of up to three (3) persons who are, or have been, licensed as a steam engineer or boiler fireman; up to three (3) persons owning boilers or managing boilers for owners; and up to three (3) persons from the general public.

C. The Steam License Advisory Board shall advise and assist the Director in the administration of the steam engineer's and boiler fireman's license program. The Director is authorized to define the duties of and prescribe the procedure for the Board. The Steam License Advisory Board may recommend to the Director revisions to this chapter.

(Ord. 122115 § 2, 2006)

6.420.240 Inspections.

Licensees shall have their license card available while engaged in the care or operation of any boiler or steam engine and shall present the card at the request of the Director. The Director may conduct periodic

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inspections of licensees to determine compliance with these regulations.
(Ord. 122115 § 2, 2006)

6.420.250 Stop work orders.

If the Director finds any condition or work is in violation of this chapter, the Director may issue a stop work order. The order shall describe the violation in writing. It shall be posted on the premises or served on any person responsible for the condition or work. It is unlawful for any person to engage in or to cause any work subject to the order to be done until authorization from the Director is received.
(Ord. 122115 § 2, 2006)

6.420.260 Notice of violation.

A. Notice. If, after investigation, the Director determines that there has been a violation of this code not resulting in revocation of a license, the Director may serve a notice of violation upon the person responsible for the action or condition. The notice of violation may state the requirements violated, what corrective action, if any, is necessary to comply with the standards or requirements, and set a reasonable time for compliance. The notice may be served upon the responsible person by regular first class mail, addressed to the last known address of such person. The notice of violation shall be considered an Order of the Director.

B. Other remedies. Nothing in this subsection shall be deemed to limit or preclude any action or proceeding pursuant to Section 6.420.250 of this chapter, and nothing in this section shall be deemed to obligate or require the Director to issue a notice of violation prior to the imposition of civil or criminal penalties.

C. Review by the Director. Any person affected by a notice of violation issued by the Director pursuant to this chapter may obtain a review of the notice by requesting such review in writing within ten (10) days after service of the notice. Service shall be complete at the time of personal service, or if mailed, on the date of mailing. When the last day of the period computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. Upon receipt of a request, the Director shall notify the person requesting the review of the date, time and place of the Director's review. The review shall be not less than ten (10) nor more than twenty (20) days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit addition information to the Director for consideration on or before the date of the review.

A representative of the Director who is familiar with the case and the applicable regulations will conduct the review. The Director's representative will consider any information presented and in the Department's file. After the review, the Director shall issue an Order of the Director that may:

1. Sustain the notice of violation; or
2. Withdraw the notice of violation; or
3. Amend the notice of violation; or
4. Continue the review to a future date.

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The Director shall issue an order within a reasonable time after the conclusion of the review. The Director shall mail the order by regular first class mail to the person or persons named in the notice of violation. (Ord. 122115 § 2, 2006)

6.420.270 Penalties.

A. Civil Penalties. Any failure to comply with the provisions of this chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars (\$500) per day for each violation from the date the violation occurs or begins until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.

The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of providing by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists.

B. Alternative Criminal Penalty. Any person who violates or fails to comply with this chapter shall be guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. (Ord. 122115 § 2, 2006)

6.420.280 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes a violation of this chapter when civil or criminal penalties are inadequate to effect compliance. (Ord. 122115 § 2, 2006)

6.420.290 Existing licenses continued.

Anyone holding a license under Chapter 6.230, and in effect at the time the ordinance codified in this chapter becomes effective, shall be entitled to continue to operate under that license subject to all the provisions of this chapter. (Ord. 122115 § 2, 2006)

6.420.300 Application of other provisions.

The licenses provided for in this chapter are subject to the general provisions of the Seattle License Code set forth in Chapters 6.02 and 6.202. In the event of a conflict between the provisions of Chapters 6.02 and 6.202 and this chapter, the provisions of this chapter shall control. (Ord. 122115 § 2, 2006)

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CHAPTER 6.430

GAS PIPING REGULATIONS AND LICENSURE

Sections:

- 6.430.010 Scope, purpose and authority.
- 6.430.020 Unlawful activities.
- 6.430.030 Definitions.
- 6.430.040 Applications and examinations.
- 6.430.050 Unlicensed gas piping workers.
- 6.430.095 Reciprocity.
- 6.430.200 License expiration and renewal.
- 6.430.210 Revocation of license.
- 6.430.220 Gas Piping Advisory Board.
- 6.430.240 Inspections.
- 6.430.250 Stop work orders.
- 6.430.260 Notice of violation.
- 6.430.270 Penalties.
- 6.430.280 Additional relief.
- 6.430.290 Existing licenses continued.
- 6.430.300 Application of other provisions.

6.430.010 Scope, purpose and authority.

The regulation and licensing of those who install, alter, extend and repair gas piping is governed by this chapter.

The purpose of this chapter is to provide standards for safe installation, alteration and repair of gas piping.

The Director of the Department of Planning and Development and the Director of Public Health are authorized to implement and enforce all the provisions of this chapter.
(Ord. 122108 § 2, 2006)

6.430.020 Unlawful activities.

A. It is unlawful to engage in the installation, alteration, extension or repair of gas piping without first obtaining a gas piping mechanic license from DPD, except for:

1. Unlicensed gas piping workers pursuant to Section 6.430.050; and
2. Property owners who may install, alter, extend or repair gas piping at property owned by them without obtaining a license required by this chapter. Property owners may install, alter, extend or repair gas piping in residential property owned by them and comprised of no more than four dwelling units if the owner will occupy one (1) of the units as his or her principal residence. Property owners' regular employees may install, alter, extend or repair gas piping at the owners' property under the same circumstances, provided the employee has worked for the owner for at least one (1) year. A gas piping permit is required, whether or not a license is required.

B. It is unlawful to hire or contract with a person to install, alter, extend or repair gas piping who is not a licensed gas piping mechanic or an unlicensed gas piping worker according to Section 6.430.050.

C. It is unlawful for any person to knowingly:

1. Prevent or attempt to prevent any licensed gas piping mechanic from performing any act required to be performed by this chapter; or
2. Require or attempt to require any licensed gas piping mechanic to perform any act prohibited by this chapter.

D. It is unlawful to fail to abide by a stop work order issued by the Director of the Health Department.
(Ord. 122108 § 2, 2006)

6.430.030 Definitions.

Words and phrases used in this chapter have the following meanings:

"Board" means the Gas Piping Advisory Board created by this chapter.

"DPD" means the Department of Planning and Development.

"Director" means either the Director of the Department of Planning and Development and authorized representatives or the Director of the Seattle-King County Department of Public Health and authorized representatives.

"Director of DPD" means the Director of the Department of Planning and Development and authorized representatives.

"Director of the Health Department" means the Director of the Seattle-King County Department of Public Health and authorized representatives.

"Gas piping" means an installation of pipes, valves or fittings used to convey fuel gas, installed on a premise or in a building, but does not include service piping.

"Gas piping mechanic" means a person performing installation, alteration, extension or repair of gas piping.

"Health Department" means the Seattle-King County Department of Public Health.

"Person" means any individual, firm, corporation, partnership or association.

"Unlicensed gas piping worker" means a person without a gas piping mechanics license.
(Ord. 122108 § 2, 2006)

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6.430.040 Applications and examinations.

A. Applications. Applications for gas piping mechanic licenses shall be made to DPD on a form provided by the department, accompanied by the following:

1. Affidavits or declarations made pursuant to RCW 9A.72.085 signed by the applicant and employer(s), documenting that the applicant has one (1) of the following:
 - a. At least twelve (12) months of full-time experience as:
 - (1) A gas piping mechanic;
 - (2) An unlicensed worker under the supervision of a gas piping mechanic; or
 - (3) A combination of a1 and a2; or
 - b. At least six (6) months of full-time experience as:
 - (1) A gas piping mechanic;
 - (2) An unlicensed worker under the supervision of a gas piping mechanic; or
 - (3) A combination of subsections b1 and b2; and
 - (4) A certificate of completion for a Board-approved gas piping mechanic class; or
 - c. A valid plumbers license;
2. Picture identification; and
3. The required examination fee, as specified in the Fee Subtitle, Chapter 22.900E, which fee will be assessed each time the examination is given.

B. Examinations. DPD shall administer a written examination to applicants for gas piping mechanic licenses and shall issue a license to applicants who successfully complete the examination and pay the license fee specified in the Fee Subtitle, Chapter 22.900E. DPD may examine any applicant for a renewal of a license, and the Health Department may require reexamination of any gas piping mechanic at any time there is evidence of negligence or incompetence.

(Ord. 122108 § 2, 2006)

6.430.050 Unlicensed gas piping workers.

An unlicensed gas piping worker shall, at all times, work under the direct supervision of a licensed gas piping mechanic. A licensed gas piping mechanic may supervise a maximum of one (1) unlicensed gas piping worker on a jobsite.

(Ord. 122108 § 2, 2006)

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6.430.095 Reciprocity.

The Health Department may establish procedures for recognizing gas piping mechanic licenses issued by other jurisdictions in the State of Washington whose licensing programs satisfy the purposes of this chapter.

A person licensed in a jurisdiction outside the State of Washington must obtain a gas piping mechanic license pursuant to this chapter prior to engaging in the business of installing, altering, extending or repairing gas piping.

(Ord. 122108 § 2, 2006)

6.430.200 License expiration and renewal.

A. All licenses shall expire on March 31 of each year.

B. Licenses may be renewed annually upon payment of the license fee.

C. If more than one (1) year has elapsed since the expiration of the license, the examination shall be retaken.

D. A gas piping mechanic shall not install, alter, extend or repair gas piping with a gas piping mechanic's license that is more than ninety (90) days beyond its renewal date.

(Ord. 122108 § 2, 2006)

6.430.210 Revocation of license.

A. Any license issued pursuant to this chapter may be revoked by the Director of the Health Department if any of the following is found:

1. The licensee has misrepresented facts related to installation, alteration, extension or repair of gas piping;
2. The licensee has provided false information on an application for a gas piping license or gas piping permit;
3. The licensee fails an examination administered according to this chapter; or
4. The existence of special circumstances that warrant revocation in the interests of public safety and welfare.

B. Whenever the Director of the Health Department determines that there are grounds for revoking a license, the Director may issue a notice of revocation and stop work order. The notice shall be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail to the licensee.

C. Unless a request for review before the Director of the Health Department is made in accordance

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with this subsection the notice shall become the final order of the Director. A request for review is an administrative remedy that must be exhausted before judicial review of the decision may be sought.

1. Any person aggrieved by a notice issued by the Director pursuant to this section may obtain a review of the notice by delivering to the Health Department such request in writing within ten (10) days of the date of service of the notice. For purposes of this subsection, service shall be complete at the time of personal service, or if mailed, three (3) days from the date of mailing. When the last day of the period so computed is a Saturday, Sunday or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the notice of the deadline for submitting additional information in the form of written material for the review, which shall be within ten (10) days after the request is received. Before the deadline for submission of information, any person aggrieved by or interested in the notice (including any persons served the notice) may submit any additional information in the form of written material to the Director for consideration as part of the review.
2. The review will be made by the Gas Piping Advisory Board. The Board will review all additional information received by the deadline for submission of information. The Board may also request clarification of information received. After review of the additional information, the Board may recommend that the Director:
 - a. Sustain the notice of revocation;
 - b. Withdraw the notice; or
 - c. Continue the review to a date certain for receipt of additional information.
3. Recommendations of the Board shall be in writing; shall be mailed to the Director of the Health Department and the appellant; and shall apply only to the case being heard.
4. The Director shall issue an Order and shall cause the same to be sent by first class mail to the person or persons named on the notice and any other person that has requested notice of the decision.
5. Any person who has standing to file an appeal with the Hearing Examiner may file such an appeal within ten (10) days of issuance of the Order of the Director.

(Ord. 122108 § 2, 2006)

6.430.220 Gas Piping Advisory Board.

A. The Director of Public Health shall appoint a Gas Piping Advisory Board. The Gas Piping Advisory Board shall advise and assist the Director on the administration of the gas piping installer license program. The Director is authorized to define the duties of and prescribe the procedure for the Board. The Board may recommend to the Director revisions to this chapter.

- B. The Board shall consist of five (5) voting members: one (1) member representing gas piping

mechanics, one (1) member representing gas piping contractors, one (1) member representing the gas utility, one (1) member representing gas piping manufacturers, and one (1) member representing the general public. Representatives of the Health Department and DPD shall serve as non-voting members of the Board. The Board shall elect a chair and a secretary who shall serve at the pleasure of the Board.
(Ord. 122108 § 2, 2006)

6.430.240 Inspections.

Licenses shall have their license card available while performing gas piping installation, alteration, extension or repair and shall present the card prior to or at the time of inspection of the installation, alteration, extension or repair at the request of the Director of the Health Department.
(Ord. 122108 § 2, 2006)

6.430.250 Stop work orders.

If the Director of the Health Department finds any gas piping installation, alteration, extension or repair is being done in violation of this chapter, the Director may issue a stop work order. The order shall describe the violation in writing. It shall be posted on the premises or served on any person responsible for the condition or work. It is unlawful for any person to engage in or to cause any work subject to the order to be done until authorization from the Director is received.
(Ord. 122108 § 2, 2006)

6.430.260 Notice of violation.

A. Notice. If, after investigation, the Director of the Health Department determines that there has been a violation of this code not resulting in revocation of a license, the Director may serve a notice of violation upon the person responsible for the action or condition. The notice of violation may state the requirements violated, what corrective action, if any, is necessary to comply with the standards or requirements, and set a reasonable time for compliance. The notice shall be served upon the responsible person by regular first class mail, addressed to the last known address of such person. The notice of violation shall be considered an Order of the Director.

B. Other remedies. Nothing in this subsection shall be deemed to limit or preclude any action or proceeding pursuant to Section 6.430.250 of this code, and nothing in this section shall be deemed to obligate or require the Director to issue a notice of violation prior to the imposition of civil or criminal penalties.

C. Review by the Director. Any person affected by a notice of violation issued by the Director of the Health Department pursuant to this chapter may obtain a review of the notice by requesting such review in writing within ten (10) days after service of the notice. Service shall be complete at the time of personal service, or if mailed, on the date of mailing. When the last day of the period computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00) p.m. of the next business day. Upon receipt of a request, the Director shall notify the person requesting the review of the date, time and place of the Director's review. The review shall be not less than ten (10) nor more than twenty (20) days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit addition information to the Director for consideration on or before the date of the review.

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A representative of the Director who is familiar with the case and the applicable regulations will conduct the review. The Director's representative will consider any information presented and in the Department's file. After the review, the Director shall issue an Order of the Director that may:

1. Sustain the notice of violation; or
2. Withdraw the notice of violation; or
3. Amend the notice of violation; or
4. Continue the review to a future date.

The Director shall issue an order within a reasonable time after the conclusion of the review. The Director shall mail the order by regular first class mail to the person or persons named in the notice of violation. (Ord. 122108 § 2, 2006)

6.430.270 Penalties.

A. **Civil Penalties.** Any failure to comply with the provisions of this chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred Dollars (\$500) per day for each violation from the date the violation occurs or begins until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.

B. **Alternative Criminal Penalty.** Any person who violates or fails to comply with this chapter shall be guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation nor failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter. (Ord. 122108 § 2, 2006)

6.430.280 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes a violation of this chapter when civil or criminal penalties are inadequate to effect compliance. (Ord. 122108 § 2, 2006)

6.430.290 Existing licenses continued.

Anyone holding a license issued according to Chapter 6.235, and in effect at the time the ordinance codified in this chapter becomes effective, shall be entitled to continue to operate under that license subject to all the provisions of this chapter. (Ord. 122108 § 2, 2006)

6.430.300 Application of other provisions.

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The licenses provided for in this chapter are subject to the general provisions of the Seattle License Code set forth in Chapters 6.01 and 6.202. In the event of a conflict between the provisions of Chapters 6.01 and 6.202 and this chapter, the provisions of this chapter shall control.
 (Ord. 122108 § 2, 2006)

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

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

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

§ of 108934	Herein
1....	6.202.010
1.000....	6.202.020
1.010....	6.202.030
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6.210....	6.212.100
6.220....	6.212.110
6.230....	6.212.120
6.240....	6.212.130
6.245....	6.212.140
6.250....	6.212.150
6.300....	6.212.160
6.310....	6.212.170
6.400....	6.212.180
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

See ordinances creating and amending sections for examples of text, graphics, and tables and to confirm accuracy of this source file.
For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2014 code update file
Text provided for historic reference only.

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
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

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

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