SEATTLE CITY COUNCIL

Legislative Summary

CB 118596

Record No.: CB 118596 **Type:** Ordinance (Ord) **Status:** Passed

Version: 2 124963 **In Control:** City Clerk

File Created: 11/19/2015

Final Action: 12/17/2015

Title: AN ORDINANCE relating to the creation of a Title 6 business license; adding a new Chapter 6.208 to the Seattle Municipal Code; and amending Sections 5.30.030, 5.32.150, 5.55.230, 6.10.005, 6.20.050, 6.214.310, 6.250.030, 6.500.140, 7.04.645, 21.16.060, 21.16.080, and 22.214.060 of the Seattle Municipal Code.

	Date
Notes:	
Filed with City Clerk:	12/17/2015
Mayor's Signature:	12/17/2015
Sponsors: Licata	
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Attachments:

Drafter: Kent Meyer

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	11/24/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	11/24/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	11/24/2015	sent for review	Finance and Culture Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Finance and Culture Committee						
	Notes:						
1	Full Council	12/07/2015	referred	Finance and Culture Committee			
	Action Text: The Council Bill (CB) was referred. to the Finance and Culture Committee						

Notes:

1	Finance and Culture Committee	12/09/2015	pass as amended	Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).

In Favor: 2 Chair Licata, Member Burgess

Opposed: 0

2	Full Council	12/14/2015	passed	Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

Notes:

In Favor: 8 Council President Burgess, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

2	City Clerk	12/16/2015	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

2	Mayor	12/17/2015	Signed	

Action Text: The Council Bill (CB) was Signed.

Notes:

2	Mayor	12/17/2015	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

2	City Clerk	12/17/2015	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 124963

COUNCIL BILL 118596

AN ORDINANCE relating to the creation of a Title 6 business license; adding a new Chapter 6.208 to the Seattle Municipal Code; and amending Sections 5.30.030, 5.32.150, 5.55.230, 6.10.005, 6.20.050, 6.214.310, 6.250.030, 6.500.140, 7.04.645, 21.16.060, 21.16.080, and 22.214.060 of the Seattle Municipal Code.

WHEREAS, the City issues licenses for revenue and regulation under Title 5 and Title 6 of the Seattle Municipal Code; and

WHEREAS, for increased efficiency of administration of Title 5 and Title 6, the City desires to reorganize Title 5 and Title 6 to concentrate license laws relating to regulation of business in Title 6 and laws related to revenue in Title 5; and

WHEREAS, to further facilitate the administration of the City's business license taxes and business regulations, the City would like to create a new Title 6 business license; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 6.208 of the Seattle Municipal Code is added as follows:

6.208.010 Business license requirements

A. No person, unless specifically exempted, shall engage in any business activity, profession, trade or occupation in the City without having first obtained and being the holder of a valid and subsisting license to do so, to be known as a "business license."

The business license shall expire at the end of the calendar year for which it is issued. The business license shall be personal and nontransferable except as provided in subsection 6.208.010.F. Applications for the business license shall be made to the Director of Finance and

Administrative Services on forms provided by the Director. Each business license shall be numbered, shall show the name, place and character of the business of the licensee, and such other information as the Director deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued.

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

B. When business is transacted at two or more separate places by one taxpayer, a separate business license for each place at which business is transacted with the public shall be required.

C. No person to whom a business license has been issued pursuant to this Chapter 6.208 shall suffer or allow any other person for whom a separate license is required to operate under or display the license; nor shall such other person operate under or display such license.

D. As provided in Section 6.20.040, a participant at an event, identified in the list supplied by the promoter or organizer, shall be exempt from obtaining a business license under subsection 6.208.010.A on account of business activities at the licensed event for the duration of the event license; provided however, that such participant is not otherwise engaging in business in the City as such term is defined in Section 5.30.030.B.

E. Any business license may be renewed by submitting an application for the ensuing year of the on or before the date of the expiration of such license. All business licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities. Nonpayment by the licensee of taxes, business license tax certificate fees, or business license fees other than those due upon expiration

for the renewal of a license, when due during the term of any business license shall constitute grounds for revocation of or the refusal to renew said license.

F. A business license cannot be assigned or transferred, except that a license may be transferred:

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

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

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

4. To any one or more former partners, whenever a licensed partnership is dissolved and one or more of the former partners of the licensed partnership continue the operation of the business as an individual proprietorship or partnership without the addition of any new partner, and all of the other former partners consent in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;

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

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

As used in this subsection 6.208.010.F, the term "partnership" includes joint venture, and the term "partner" includes a co-venturer.

G. The issuance of a business license under this Chapter 6.208 shall not be deemed as approval or permission from the City to engage in any illegal activity and shall not prevent the City from revoking or suspending a business license as permitted under this Title 6. The issuance of a business license under this Chapter 6.208 is not a determination by the City that the business is in compliance with any other laws and does not exempt the business from obtaining other necessary licenses or permits or from complying with any other applicable laws. The Director may require applicants for business licenses to certify that the business to be engaged in under the license is not in violation of any applicable law.

6.208.020 Denial, revocation of, or refusal to renew business license

A. In addition to any other powers and authority provided under this Title 6, the Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to renew any business license issued under the provisions of this Chapter 6.208. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail of the denial, revocation of, or refusal to renew, the license and on what grounds such a decision was based. The Director may deny, revoke or refuse to renew any license issued under this Chapter 6.208 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.

2. The licensee has failed to comply with any provisions of this Chapter 6.208.

3. The licensee has failed to comply with any provisions of Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52.

4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.

5. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09.

6. The applicant or licensee has been convicted of theft under subsection 12A.08.060.A.4 within the last ten years.

7. The applicant or licensee is a person subject within the last ten years to a court order entering final judgment for violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207, and the judgment was not satisfied within 30 days of the later of either:

a. the expiration of the time for filing an appeal from the final judgment order under the court rules in effect at the time of the final judgment order; or

b. if a timely appeal is made, the date of the final resolution of that appeal and any subsequent appeals resulting in final judicial affirmation of the findings of violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207.

8. The applicant or licensee is a person subject within the last ten years to a final and binding citation and notice of assessment from the Washington Department of Labor and Industries for violations of chapters 49.46, 49.48, or 49.52 RCW, and the citation amount and penalties assessed therewith were not satisfied within 30 days of the date the citation became final and binding.

9. Pursuant to subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, and 14.20.080.A.4, the applicant or licensee has failed to comply within 30 days of service of any settlement agreement, any final order issued by the Division Director of the Office of Labor

Standards within the Office for Civil Rights, or any final order issued by the Hearing Examiner under Chapters 14.16, 14.17, 14.19 and 14.20, for which all appeal rights have been exhausted, and the Division Director of the Office of Labor Standards within the Office for Civil Rights has requested that the Director deny, refuse to renew, or revoke any business license held or requested by the applicant or licensee. The denial, refusal to renew, or revocation shall remain in effect until such time as the violation(s) under Chapters 14.16, 14.17, 14.19, and 14.20 are remedied.

10. The business is one that requires an additional license under this Title 6 and the business does not hold that license.

11. The business has been determined under a separate enforcement process to be operating in violation of law.

B. Within 30 days from the date that the notice of denial, revocation or refusal to renew notice was mailed to the applicant or licensee, the applicant or licensee may appeal such refusal to issue, revocation or refusal to renew by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The applicant or licensee must provide a copy of the petition to the Director and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The hearing shall be conducted in accordance with the procedures for hearing contested cases in Chapter 3.02. The Director or the Director's designee shall have the burden of proving by a preponderance of the evidence that grounds for denying, suspending, or revoking a license existed. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after making appropriate findings of fact and conclusions of law, affirm, modify, or overrule the denial, revocation or refusal to renew, and

issue or reinstate the license. The Hearing Examiner may impose any terms upon the issuance or continuance of the license that may be advisable. No denial, revocation of, or refusal to renew a license issued pursuant to the provisions of this Chapter 6.208 shall take effect until 30 days after the mailing of the notice thereof by the Director, and if appeal is taken as herein prescribed, the refusal to issue, revocation or refusal to renew shall be stayed pending final action by the Hearing Examiner. All licenses that are revoked or refused to be renewed by the Director shall be surrendered to the City on the effective date of such revocation or refusal to renew. No business license shall be renewed and no new license shall be issued to the licensee or to any person (as defined by subsection 5.30.040.F) in which the licensee is a principal for a period of one year where the license has been revoked or not renewed by a decision of the Director pursuant to this Section 6.208.020. The decision of the Hearing Examiner shall be final. The licensee and/or the Director may seek review of the decision of the Hearing Examiner in the Superior Court of Washington in and for King County within 14 days from the date of the decision.

C. Upon revocation of any license no portion of any license fee shall be returned to the licensee.

D. The period of denial, revocation or non-renewal for grounds stated in subsections A.1, A.5, A.6, A.7, A.8, and A.11 of this Section 6.208.020 shall be at least one year, and the licensee or any person (as defined in subsection 5.30.040.F) that is or was a principal of the licensee shall not again be licensed during such period.

E. The period of denial, revocation or non-renewal for grounds stated in subsections A.2, A.3, A.4, A.9, and A.10 of this Section 6.208.020 shall last until the violation or default is cured.

If the violation cannot be cured, the period of denial, revocation or non-renewal shall last until the end of the license period in which the non-issuance, revocation or non-renewal occurred.

6.208.030 Unlawful actions—Violation—Penalties

A. It shall be unlawful for any person subject to the provisions of this Chapter 6.208:

1. To violate or fail to comply with any of the provisions of this Chapter 6.208 or any lawful rule or regulation adopted by the Director;

2. To make or manufacture any license required by this chapter except upon authority of the Director;

3. To make any false statement on any license or license application;

4. To aid or abet any person in any attempt to evade payment of a license fee;

5. To refuse admission to the Director to inspect the premises and/or records as required by this Chapter 6.208;

6. To fail to appear or testify in response to a subpoena issued pursuant to Section 3.02.120 in any proceeding to determine compliance with this Chapter 6.208;

7. To testify falsely in any investigation, audit or proceeding conducted pursuant to this Chapter 6.208;

8. To continue to engage in any business activity, profession, trade, or occupation after the denial, revocation, or suspension of a business license issued under this Chapter 6.208; or

9. In any manner, to hinder or delay the City or any of its officers in carrying out the provisions of this Chapter 6.208.

B. Each violation of or failure to comply with the provisions of this Chapter 6.208 shall constitute a separate offense. Except as provided in subsection 6.208.030.C, any person who commits an act defined in subsection 6.208.030.A is guilty of a gross misdemeanor, punishable in accordance with Section 12A.02.070. The provisions of Chapters 12A.02 and 12A.04 apply to the offenses defined in subsection 6.208.030.A, except that liability is absolute and none of the mental states described in Section 12A.04.030 need be proved.

C. Except as provided in subsections 6.208.030.C.1 and 6.208.030.C.2, each violation of Section 6.208.010 is a Class 1 civil infraction as contemplated by chapter 7.80 RCW, for which the penalty is $250 plus statutory assessments. Each day a person is in violation of Section 6.208.010 is a separate violation and the monetary penalties shall accumulate. A civil infraction under these sections shall be processed in the manner contemplated by chapter 7.80 RCW and notices of infraction for such violations may be issued by law enforcement officers or the Director, or the Director's designees, including License and Standards Inspectors.

1. Each person who commits a violation of Section 6.208.010 after having been found to have committed a previous violation of the same Section 6.208.010 is guilty of a gross misdemeanor punishable in accordance with Section 12A.02.070. Each day a person is in violation of Section 6.208.010 shall be a separate violation.

2. If a corporation commits a violation of Section 6.208.010 after having been found to have committed a previous violation of the same Section 6.208.010 then any individual who would be criminally liable for the corporation's acts, pursuant to Sections 12A.04.110, 12A.04.120, 12A.04.130, or any other provision of the Seattle Municipal Code, is guilty of a gross misdemeanor punishable in accordance with Section 12A.02.070, whether or not the individual has been found to have committed a previous violation of the same section.

Each day a person is in violation of Section 6.208.010 shall be a separate violation. For purposes of this subsection 6.208.030.C.2, corporation shall have the meaning as set forth in Section 12A.04.110.

D. Prosecution pursuant to this Section 6.208.030 shall not be commenced more than four years after the Director knew or should have known that the act(s) constituting the offense occurred. The penalties and punishments established by this section shall be in addition to all other penalties provided by law.

E. Upon a determination that a person is subject to criminal prosecution under this section, the Director and agents of the Director, who are commissioned as non-uniformed special police officers pursuant to Section 5.55.225, may issue citations and make arrests for criminal violations of this Section 6.208.030.

6.208.040 Definitions

The definitions contained in Chapter 5.30 shall be fully applicable to this Chapter 6.208 except as expressly stated to the contrary herein.

6.208.050 Exemptions

Any person exempt under Section 5.45.090 from obtaining a business license tax certificate is exempt from obtaining a business license under this Chapter 6.208.

6.208.060 Rules

The Director of Finance and Administrative Services shall have the power to adopt, publish, and enforce rules and regulations not inconsistent with this Chapter 6.208 for the purpose of carrying out the provisions of this Chapter 6.208, and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

6.208.070 Previously-issued licenses

Any person who obtained, prior to the effective date of the Ordinance introduced as Council Bill 118596, a business license or a business license tax certificate under Section 5.55.030 for 2016 shall be deemed to hold for the remainder of 2016, unless otherwise revoked or suspended, a business license under this Chapter 6.208.

Section 2. Section 5.30.030 of the Seattle Municipal Code, last amended by Ordinance 124808, is amended as follows:

5.30.030 Definitions, E—F

A. "Eligible gross receipts tax" means a tax which:

1. Is imposed on the act or privilege of engaging in business activities within ((~~SMC~~)) Section 5.45.050;

2. Is measured by the gross volume of business in terms of gross receipts, and is not an income tax or value added tax;

3. Is not, pursuant to law or custom, separately stated from the sales price;

4. Is not a sales or use tax, business license fee, franchise fee, royalty, or severance tax measured by volume or weight, or concession charge, or payment for the use and enjoyment of property, property right, or a privilege; and

5. Is a tax imposed by a local jurisdiction, whether within or without the State of Washington, and not by a country, state, province, or any other non-local jurisdiction above the county level.

B. "Engaging in business"

1. The term "engaging in business activity" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as

liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

2. ((~~This section~~)) Subsection 5.30.030.B.3 sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the City without having to register and obtain a business license tax certificate, obtain a business license, or pay City business and occupation taxes. The activities listed in ((~~this section~~)) subsection 5.30.030.B.3 are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (((~~1),~~)) 5.30.030.B.1 above. If an activity is not listed, the issue of whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

3. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license tax certificate and a business license:

a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City, in connection with a business activity;

b. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the City in which business activities are conducted;

c. Soliciting sales;

d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance;

e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf;

f. Installing, constructing, or supervising installation or construction of real or tangible personal property;

g. Soliciting, negotiating, or approving franchise, license, or other similar agreements;

h. Collecting current or delinquent accounts;

i. Picking up and transporting tangible personal property, solid waste construction debris, or excavated materials;

j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property;

k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, and veterinarians;

l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings;

m. Training or recruiting agents, representatives, independent contractors, brokers or others domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers;

n. Investigating, resolving, or otherwise assisting in resolving customer complaints;

o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place;

p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person who sold the goods or another acting on its behalf; or

q. Accepting or executing a contract with the City, irrespective of whether the goods or services are delivered within or without the City, or whether the person's office or place of business is within or without the City.

4. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license tax certificate or a business license and pay tax:

a. Meeting with suppliers of goods and services as a customer;

b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions;

c. Attending meetings, such as board meetings, retreats, seminars, and conferences or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting;

d. Renting tangible or intangible property as a customer when the property is not used in the City;

e. Attending, but not participating in, a "trade show". Persons participating at a trade show shall review the City's trade show ordinance, Chapter 6.20;

f. Conducting advertising through the mail;

g. Soliciting sales by phone from a location outside the City; or

h. Accepting or executing a contract with the City when:

1) The aggregate value of all City contracts with the person during the calendar year is $5,000 or less and the person is engaged in no other business within the City; or

2) The person's only source of revenue consists of contracts with the City for neighborhood planning purposes, sister city associations, or Arts Commission grants, and is less than the taxable threshold amount provided in ((~~Section~~)) subsection 5.55.040.D.

5. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license tax certificate or a business license provided that it engages in no other business activities in the City.

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the tax under the law and the constitutions of the United States and the State of Washington.

Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

Section 3. Section 5.32.150 of the Seattle Municipal Code, last amended by Ordinance 124808, is amended as follows:

5.32.150 Amusement license required

No person shall own any amusement device available for public use without having first obtained an amusement device license issued in accordance with the provisions of this Chapter 5.32. The license shall be attached to the amusement device at all times when in use or play or available for use or play so that it is readily visible. This license is in addition to the business license tax certificate required in Section 5.55.030 and the business license required under Section 6.208.010.

Section 4. Section 5.55.230 of the Seattle Municipal Code, last amended by [the ordinance introduced as Council Bill 118585], is amended as follows:

5.55.230 Denial, revocation of, or refusal to renew business license tax certificate

A. The Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to renew any business license tax certificate or amusement device license issued under the provisions of this Chapter 5.55. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail in accordance with Section 5.55.180 of the denial, revocation of, or refusal to renew, the license and on what grounds such a decision was based. The Director may deny, revoke, or refuse to renew any license issued under this Chapter 5.55 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.

2. The licensee has failed to comply with any provisions of this chapter.

3. The licensee has failed to comply with any provisions of Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52.

4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.

((~~5. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09.~~

~~6. The applicant or licensee has been convicted of theft under Section 12A.08.060.A.4 within the last ten years.~~

~~7. The applicant or licensee is a person subject within the last ten years to a court order entering final judgment for violations of RCW 49.46, 49.48, or 49.52, or 29 U.S.C. 206 or 29 U.S.C. 207, and the judgment was not satisfied within 30 days of the later of either:~~

~~a. the expiration of the time for filing an appeal from the final judgment order under the court rules in effect at the time of the final judgment order; or~~

~~b. if a timely appeal is made, the date of the final resolution of that appeal and any subsequent appeals resulting in final judicial affirmation of the findings of violations of RCW 49.46, 49.48, or 49.52, or 29 U.S.C. 206 or 29 U.S.C. 207.~~

~~8. The applicant or licensee is a person subject within the last ten years to a final and binding citation and notice of assessment from the Washington State Department of Labor and Industries for violations of RCW 49.46, 49.48 or 49.52, and the citation amount and penalties assessed therewith were not satisfied within 30 days of the date the citation became final and binding.~~

~~9. Pursuant to subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, and 14.20.080.A.4, the applicant or licensee has failed to comply within 30 days of service of any settlement agreement, any final order issued by the Division Director of the Office of Labor Standards within the Office for Civil Rights, or any final order issued by the Hearing Examiner under Chapters 14.16, 14.17, 14.19 and 14.20, for which all appeal rights have been exhausted, and the Division Director of the Office of Labor Standards within the Office for Civil Rights has~~

~~requested that the Director deny, refuse to renew, or revoke any business license held or requested by the applicant or licensee. The denial, refusal to renew, or revocation shall remain in effect until such time as the violation(s) under Chapters 14.16, 14.17, 14.19, and 14.20 are remedied.~~

~~10. The business is one that requires a license under Title VI and is operating without one or cannot lawfully obtain one at the time of its application.~~

~~11. The business has been determined under a separate enforcement process to be operating in violation of law.~~))

B. Within 30 days from the date that the notice of denial, revocation, or refusal to renew notice was mailed to the applicant or licensee, the applicant or licensee may appeal such refusal to issue, revocation or refusal to renew by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The applicant or licensee must provide a copy of the petition to the Director and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The hearing shall be conducted in accordance with the procedures for hearing contested cases in Chapter 3.02. The Director or the Director's designee shall have the burden of proving by a preponderance of the evidence that grounds for denying, suspending, or revoking a license existed. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after making appropriate findings of fact and conclusions of law, affirm, modify, or overrule the denial, revocation or refusal to renew, and issue or reinstate the license. The Hearing Examiner may impose any terms upon the issuance or continuance of the license that may be advisable. No denial, revocation of, or refusal to renew a license issued pursuant to the provisions of this Chapter 5.55 shall take effect until 30 days after

the mailing of the notice thereof by the Director, and if appeal is taken as herein prescribed, the refusal to issue, revocation or refusal to renew shall be stayed pending final action by the Hearing Examiner. All licenses that are revoked or refused to be renewed by the Director shall be surrendered to the City on the effective date of such revocation or refusal to renew. No business license tax certificate shall be renewed and no new business license tax certificate shall be issued to the licensee or to any person (as defined by subsection 5.30.040.F) in which the licensee is a principal for a period of one year where the license has been revoked or not renewed by a decision of the Director pursuant to this Section 5.55.230. The decision of the Hearing Examiner shall be final. The licensee and/or the Director may seek review of the decision of the Hearing Examiner in the Superior Court of Washington in and for King County within 14 days from the date of the decision.

C. Upon revocation of any license no portion of any license fee shall be returned to the licensee.

D. The period of denial, revocation or non-renewal for grounds stated in subsection 5.55.230.A.1 ((~~subsections A.1, A.5, A.6, A.7, A.8, and A.11 of this Section 5.55.230~~)) shall be at least one year, and the licensee or any person (as defined in subsection 5.30.040.F) that is or was a principal of the licensee shall not be re-licensed during such period.

E. The period of denial, revocation or non-renewal for grounds stated in subsections 5.55.230.A.2, 5.55.230.A.3, and 5.55.230.A.4 ((~~, A.9 and A.10 of this Section 5.55.230~~)) shall last until the violation or default is cured. If the violation cannot be cured, the period of non-issuance, revocation, or non-renewal shall last until the end of the license period in which the non-issuance, revocation, or non-renewal occurred.

Section 5. Subsection 6.10.005.G of the Seattle Municipal Code, which section was last amended by Ordinance 123361, is amended as follows:

* * *

G. "Self-monitored alarm business" means any person required to obtain a Seattle business license pursuant to Chapter 6.208 ((~~Section 5.55.030 which~~)) who elects to internally monitor its own alarm systems or alarm devices and monitors three or more alarm systems or business locations located within the City limits.

* * *

Section 6. Subsection 6.20.050.A of the Seattle Municipal Code, which section was last amended by Ordinance 121679, is amended as follows:

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 for the duration of the trade show license from paying the business license tax certificate fee required by Section 5.55.030 A or from obtaining a business license under Chapter 6.208 on account of their business activities at the trade show.((~~, or in~~)) In the event that the participant already has a City business license, the participant shall be exempt for the duration of the trade show license from securing a business license or a business license tax certificate for a separate business location at the trade show under ((~~Section 5.55.030 B, each for the duration of the trade show license~~)) subsection 5.55.030.B or Chapter 6.208.

Section 7. Subsection 6.214.310.A of the Seattle Municipal Code, which section was last amended by Ordinance 123997, is amended as follows:

6.214.310 Standards for license suspension or revocation

A. Suspension Standards. The Director shall suspend any tow company license issued under this Chapter 6.214 if the Director determines that:

1. The tow company or any tow truck driver or any person employed, acting as an independent contractor for, or otherwise associated with the tow company has had one or more convictions of any unlawful act contained in subsection 6.214.260.A occurring during the preceding ((~~twelve~~)) 12 month period. All suspensions issued under this subsection 6.214.310.A.1 shall extend for one month or until expiration of the license, whichever occurs first.

2. The tow company or any tow truck driver or any person employed, acting as an independent contractor for, or otherwise associated with the tow company has had two or more convictions of any unlawful act contained in paragraphs 1 through 9 of subsection 6.214.260.B occurring during the preceding ((~~twelve~~)) 12 month period. All suspensions issued under this subsection 6.214.310.A.2 shall extend for one month or until expiration of the license, whichever occurs first.

3. The tow company or any tow truck driver or any person employed, acting as an independent contractor for, or otherwise associated with the tow company has been determined by the Director to have three or more violations of any provision of this Chapter 6.214 other than those contained in Section 6.214.260.

4. The tow company has failed to keep and maintain records required under Section 6.214.250 or has failed to allow the inspection by the Director of such records. Suspensions issued under this subsection 6.214.310.A.3 shall continue until the violation is cured.

5. The tow company does not maintain a City of Seattle business license issued under Chapter ((~~5.55~~)) 6.208. Suspensions issued under this subsection 6.214.310.A.4 shall continue until the violation is cured.

6. The tow company has been adjudicated to have committed one or more violations of the requirements of ((~~Chapter~~)) chapter 46.55 RCW during the preceding ((~~twelve~~)) 12 month period.

* * *

Section 8. Section 6.250.030 of the Seattle Municipal Code, last amended by Ordinance 122927, is amended as follows:

6.250.030 License—Required ((~~,~~))

A. ((~~Commencing April 1, 2007, it~~)) 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~~)) Chapter 6.250 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 6.208 ((~~chapter 5.55~~)) and the used goods dealer license required pursuant to ((~~chapter~~)) Chapter 6.288.

Section 9. Subsection 6.500.140.E of the Seattle Municipal Code, which section was last amended by Ordinance 124807, is amended as follows:

6.500.140 License suspension

In addition to the reasons set forth in Section 6.202.230 as now or hereafter amended, any license issued under this Chapter 6.500 may be suspended upon a finding that:

* * *

E. The licensee does not maintain a current license required under Chapter 6.208 ((~~5.55~~)) or is in default in any payment of any license fee or tax, penalty or interest due under Title 5 or Title 6;

* * *

Section 10. Subsections 7.04.645.A and 7.04.645.B of the Seattle Municipal Code, which section was last amended by Ordinance 123361, are amended as follows:

7.04.645 Registration—Fees.

A. Except as provided in subsection 7.04.645.F ((~~of this section~~)), no weighing or measuring instrument or device, or electronic price scanning system, may be used for commercial purposes in the city unless its commercial use is registered annually with the Department of Finance and Administrative Services.

B. The annual registration with the Department of Finance and Administrative Services for weighing or measuring instruments or devices is accomplished as part of the State of Washington master license system under chapter 19.02 RCW ((~~Chapter 19.02~~)). Payment of an annual registration fee for a weighing or measuring instrument or device under the State of Washington master license system constitutes the registration required by this ((~~section~~)) Section 7.04.645. The annual registration with Department of Finance and Administrative Services for

electronic price scanning systems is accomplished as part of the annual business license requirement under Chapter 6.208 ((~~Section 5.55.030~~)). Payment of the registration fee with the annual business license application or renewal constitutes the registration required by this ((~~section~~)) Section 7.04.645.

* * *

Section 11. Subsection 21.16.060.A of the Seattle Municipal Code, which section was last amended by Ordinance 123494, is amended as follows:

21.16.060 Registered side sewer contractor—Qualification—Registration—Insurance—Bond—Registration expiration and renewal.

A. To register as a registered side sewer contractor, each applicant must:

1. Pay a registration fee of $200 to the Director of Seattle Public Utilities;

2. Successfully complete a written examination administered by the Director of Seattle Public Utilities, or employ an individual who has successfully completed the examination. Each applicant for the written exam must pay to the Director of Seattle Public Utilities an examination fee of $100 to take the examination required by this subsection 21.16.060.A.2;

3. Provide to the Director of Seattle Public Utilities a roster of all certified individuals and authorized agents employed by the side sewer contractor registration applicant who are allowed to obtain side sewer permits on behalf of the side sewer contractor registration applicant for work in the public place;

4. Provide evidence to the Director of Seattle Public Utilities that the applicant possesses a current Washington State Contractor's license;

5. Provide evidence to the Director of Seattle Public Utilities that the applicant possesses a current ((~~City Business~~)) business license issued pursuant to Chapter 6.208 ((~~Section 5.55.030 of the Seattle Municipal Code~~));

6. File with the Risk Management Division of the Department of Finance and Administrative Services a certificate of insurance that meets the standards of subsection 21.16.060.B ((~~of this section~~)), and maintain the insurance as required by subsection 21.16.060.B ((~~of this section~~));

7. Post with the City Clerk and maintain in full force and effect a bond as required by subsection 21.16.060.C ((~~of this section~~));

8. Agree in writing ((~~,~~)) to defend, indemnify and save harmless the City from all claims, actions, or damages of every kind and description, including reasonable attorney fees and necessary litigation expenses incurred by the City, that may accrue to or be suffered by any person arising out of any opening in any street, alley, avenue, or other public place made by the registered contractor or those in the registered contractor's employ, in making any connection with any public or private sewer, or for any other purpose or object associated with side sewer construction and related activities, except for such losses that directly result from the sole negligence of the City; and

9. Agree in writing to provide direct on-site supervision in compliance with Section 21.16.055 of all work located in a public place that is to be performed by or on behalf of the registered side sewer contractor, including without limitation all work relating to installation, alteration, extension, connection to or repair of the side sewer.

* * *

Section 12. Subsection 21.16.080.E of the Seattle Municipal Code, which section was last amended by Ordinance 123494, is amended as follows:

21.16.080 Permit—Application—Authority of the Director of Seattle Public Utilities.

* * *

E. Notwithstanding any other provisions of this ((~~chapter~~)) Chapter 21.16.080, the Director of Seattle Public Utilities may refuse, until the condition is corrected, to issue a permit for work in a public place to a registered side sewer contractor for any of the following conditions:

1. Failure to pay within 60 days any bill for work performed by the City for which the owner or contractor is liable;

2. Failure to maintain the insurance or the bond required by Section 21.16.060;

3. Failure to comply with a notice posted pursuant to Section 21.16.358;

4. Failure to have a current business license issued under Chapter 6.208 ((~~Section 5.55.030 of the Seattle Municipal Code~~)); or

5. Failure to have a current Washington State Contractor's license.

* * *

Section 13. Subsection 22.214.060.A of the Seattle Municipal Code, which section was last amended by Ordinance 124312, is amended as follows:

22.214.060 Private qualified rental housing inspector registration

A. To register as a private qualified rental housing inspector, each registration applicant shall:

1. Pay to the Director the registration fee as specified in Chapter 22.900;

2. Successfully complete a rental housing inspector training program on the Seattle Housing and Building Maintenance Code, the Rental Registration and Inspection Ordinance, and program inspection protocols administered by the Director. Each applicant for the training program shall pay to the Director a training fee set by the Director that funds the cost of carrying out the training program; and

3. Provide evidence to the Department that the applicant possesses a current City business license issued according to Chapter 6.208 ((~~section 5.55.030~~)), and possesses current credentials as defined in subsection 22.214.020.9.b.

* * *

Section 14. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of December, 2015, and signed by me in open session in authentication of its passage this 14th day of December, 2015.

President _____ of the City Council

Approved by me this 17th day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

332162 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124956-124968 TITLE

was published on

01/08/16

The amount of the fee charged for the foregoing publication is the sum of $219.47 which amount has been paid in full.

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-19

Subscribed and sworn to before me on

01/08/2016

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 14, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

Ord 124956

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ord 124957

AN ORDINANCE related to cable television; authorizing the Mayor or the Mayor's designee to enter into a renewed Cable Television Franchise Agreement with Comcast Cable Communications Management, LLC; and authorizing the Chief Technology Officer to enter into other agreements for the purpose of implementing or administering the renewed franchise.

Ord 124958

AN ORDINANCE approving and confirming the plat of "Greenbelt Station" in the portions of Southwest 1/4 of Northeast 1/4 of Section 34, Township 24 North, Range 4 East, W.M. in King County, Washington.

Ord 124959

AN ORDINANCE relating to City employment commonly referred to as the Fourth Quarter 2015 Employment Ordinance; establishing new salaries that implement 2016 increases required by Ordinance 124490; amending Ordinance 124927; increasing funds; designating positions as exempt from Civil Service status; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ord 124960

AN ORDINANCE relating to employment in Seattle; amending Chapters 14.16, 14.17, 14.19, and 14.20 of the Seattle Municipal Code to prescribe additional remedies and enforcement procedures, harmonize ordinance language, and add provisions to facilitate compliance; amending Section 3.14.931 of the Seattle Municipal Code to update duties of the Seattle Human Rights Commission; and amending Section 5.55.230 of the Seattle Municipal Code to require labor standards compliance for business license tax certificates.

Ord 124961

AN ORDINANCE authorizing, in 2015, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, City Budget Office, Department of Neighborhoods, Department of Parks and Recreation, Human Services Department, Seattle Fire Department, Seattle Police Department, Department of Information Technology, and Seattle Public Utilities to accept specified grants, private funding donations and subsidized loans and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ord 124962

AN ORDINANCE relating to the 2015 Budget; amending Ordinance 124648, which adopted the 2015 Budget, including the 2015-2020 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2015-2020 CIP; creating both exempt and nonexempt positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ord 124963

AN ORDINANCE relating to the creation of a Title 6 business license; adding a new Chapter 6.208 to the Seattle Municipal Code; and amending Sections 5.30.030, 5.32.150, 5.55.230, 6.10.005, 6.20.050, 6.214.310, 6.250.030, 6.500.140, 7.04.645, 21.16.060, 21.16.080, and 22.214.060 of the Seattle Municipal Code.

Ord 124964

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Post-Intelligencer Globe, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ord 124965

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to execute amendments to wheeling agreements between The City of Seattle and North City Water District and between The City of Seattle and Olympic View Water and Sewer District.

Ord 124966

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project, in partial fulfillment of the objectives of the Consent Decree authorized under Ordinances 123908 and 124129, and the "Plan to Protect Seattle's Waterways" authorized under Ordinance 124766, to reduce Combined Sewer Overflows; and ratifying and confirming certain prior acts.

Ord 124967

AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

Ord. 124968

AN ORDINANCE relating to taxicab, transportation network company, and for-hire vehicle drivers; amending Section 6.310.110 of the Seattle Municipal Code; adding a new Section 6.310.735 to the Seattle Municipal Code; and authorizing the election of driver representatives.

Date of publication in the Seattle Daily Journal of Commerce, January 8, 2016.

1/8(332162)