

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..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.

..body

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

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

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

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

10 C. No person to whom a business license has been issued pursuant to this Chapter
11 6.208 shall suffer or allow any other person for whom a separate license is required to operate
12 under or display the license; nor shall such other person operate under or display such license.

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

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

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

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

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

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

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

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

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

19 6. In case of the death of any licensee before the expiration of the license, the
20 licensee's administrator or executor, duly appointed as such by order of court, may continue to
21 act under said license for the unexpired term thereof upon filing with the City proof of such
22 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.
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.

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

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

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

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

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

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

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

21 9. Pursuant to subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, and
22 14.20.080.A.4, the applicant or licensee has failed to comply within 30 days of service of any
23 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

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

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

17 D. The period of denial, revocation or non-renewal for grounds stated in subsections A.1,
18 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
19 or any person (as defined in subsection 5.30.040.F) that is or was a principal of the licensee shall
20 not again be licensed during such period.

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

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

3 **6.208.030 Unlawful actions—Violation—Penalties**

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

5 1. To violate or fail to comply with any of the provisions of this Chapter
6 6.208 or any lawful rule or regulation adopted by the Director;

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

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

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

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

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

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

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

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

1 B. Each violation of or failure to comply with the provisions of this Chapter 6.208
2 shall constitute a separate offense. Except as provided in subsection 6.208.030.C, any person
3 who commits an act defined in subsection 6.208.030.A is guilty of a gross misdemeanor,
4 punishable in accordance with Section 12A.02.070. The provisions of Chapters 12A.02 and
5 12A.04 apply to the offenses defined in subsection 6.208.030.A, except that liability is absolute
6 and none of the mental states described in Section 12A.04.030 need be proved.

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

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

18 2. If a corporation commits a violation of Section 6.208.010 after having
19 been found to have committed a previous violation of the same Section 6.208.010 then any
20 individual who would be criminally liable for the corporation's acts, pursuant to Sections
21 12A.04.110, 12A.04.120, 12A.04.130, or any other provision of the Seattle Municipal Code, is
22 guilty of a gross misdemeanor punishable in accordance with Section 12A.02.070, whether or
23 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 ~~((4))~~ 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;

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

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

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

8 h. Collecting current or delinquent accounts;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 d. Renting tangible or intangible property as a customer when the
23 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

1 No person shall own any amusement device available for public use without having first
2 obtained an amusement device license issued in accordance with the provisions of this Chapter
3 5.32. The license shall be attached to the amusement device at all times when in use or play or
4 available for use or play so that it is readily visible. This license is in addition to the business
5 license tax certificate required in Section 5.55.030 and the business license required under
6 Section 6.208.010.

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

9 **5.55.230 Denial, revocation of, or refusal to renew business license tax certificate**

10 A. The Director, or the Director's designee, has the power and authority to deny,
11 revoke, or refuse to renew any business license tax certificate or amusement device license
12 issued under the provisions of this Chapter 5.55. The Director, or the Director's designee, shall
13 notify such applicant or licensee in writing by mail in accordance with Section 5.55.180 of the
14 denial, revocation of, or refusal to renew, the license and on what grounds such a decision was
15 based. The Director may deny, revoke, or refuse to renew any license issued under this Chapter
16 5.55 on one or more of the following grounds:

- 17 1. The license was procured by fraud or false representation of fact.
18 The licensee has failed to comply with any provisions of this chapter.
- 19 3. The licensee has failed to comply with any provisions of Chapters 5.32,
20 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52.
- 21 4. The licensee is in default in any payment of any license fee or tax under
22 Title 5 or Title 6.

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

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

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

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

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

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

18 ~~9. Pursuant to subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, and~~
19 ~~14.20.080.A.4, the applicant or licensee has failed to comply within 30 days of service of any~~
20 ~~settlement agreement, any final order issued by the Division Director of the Office of Labor~~
21 ~~Standards within the Office for Civil Rights, or any final order issued by the Hearing Examiner~~
22 ~~under Chapters 14.16, 14.17, 14.19 and 14.20, for which all appeal rights have been exhausted,~~
23 ~~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

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

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

14 D. The period of denial, revocation or non-renewal for grounds stated in subsection
15 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
16 at least one year, and the licensee or any person (as defined in subsection 5.30.040.F) that is or
17 was a principal of the licensee shall not be re-licensed during such period.

18 E. The period of denial, revocation or non-renewal for grounds stated in subsections
19 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
20 last until the violation or default is cured. If the violation cannot be cured, the period of non-
21 issuance, revocation, or non-renewal shall last until the end of the license period in which the
22 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 ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)