



Legislation Passed November 6, 2018

The Tacoma City Council, at its regular City Council meeting of November 6, 2018, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40154

A resolution awarding a contract to Presidio Networked Solutions LLC, in the amount of \$398,608.12, plus applicable sales tax, plus a 20 percent contingency, for a total of \$478,323.74, budgeted from the Information Systems Fund, for professional services, training, and organizational change management in support of the City's migration to Office 365 - GSA Contract No. GS-35F-333GA.

[Kipling Morris, Infrastructure Services and Operations Manager; Daniel Key, Director, Information Technology]

Resolution No. 40155

A resolution declaring surplus and authorizing the sale and conveyance of approximately 1.65 acres of property, located south of Christiansen-Muck County Road and approximately 1,200 feet west of 46th Avenue East, in the Graham-Eatonville area of unincorporated Pierce County, to Patrick and Shannon Cookson, for the amount of \$12,000.

[Greg Muller, Real Estate Officer; Chris Robinson, Power Superintendent]

Resolution No. 40156

A resolution declaring surplus and authorizing the sale and conveyance of approximately 1.65 acres of property, located south of SR 702 at Kinsman Road East, in the Graham-Eatonville area of unincorporated Pierce County, to Todd and Zana Layland, for the amount of \$12,000.

[Greg Muller, Real Estate Officer; Chris Robinson, Power Superintendent]

Resolution No. 40157

A resolution designating the Tax and License Account Closure and Collection Project as a Special Project of Limited Duration, and designating general salary classifications and benefits for persons employed on the project, for a period of two years, effective November 26, 2018.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28537

An ordinance amending Chapter 6B.165 of the Municipal Code, relating to Provisional Rental Property License, to establish a no-fee license and shortened license term for all rental property owners who fall under the requirements of said license for a first time offense; increase penalties for repeat offenses or noncompliance; and address areas of inconsistency in the tax and license codes.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28538

An ordinance amending Title 6 of the Municipal Code, relating to the Tax and License Code, by amending various chapters to add a new minimum license threshold, as required by state law, and to update language.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28539

An ordinance amending Title 6 of the Municipal Code, relating to the Tax and License Code, by amending and repealing various chapters to update language and address areas of inconsistency.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28540

An ordinance amending Title 6 of the Municipal Code, relating to the Tax and License Code, by amending various chapters to address areas of inconsistency and update language related to the regulation of entertainment, dancing, and show business activities.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28541

An ordinance amending Chapter 18.20 of the Municipal Code, relating to Minimum Wage, by repealing in its entirety Section 18.20.080, entitled "Review," to remove language requiring a study be conducted on the City's minimum wage law.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]



RESOLUTION NO. 40154

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract with
3 Presidio Networked Solutions LLC, in the amount of \$398,608.12, plus
4 applicable sales tax, plus a 20 percent contingency, for a cumulative total
5 of \$478,323.74, budgeted from the Information Systems Fund, for
6 professional services, training, and organizational change management
7 in support of the City's migration to Office 365, pursuant to GSA Contract
8 No. GS-35F-333GA.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That the Council of the City of Tacoma concurs with the Board of
17 Contracts and Awards to adopt the recommendation for award as set forth in the
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Presidio Networked Solutions LLC, in the amount of
21 \$398,608.12, plus applicable sales tax, plus a 20 percent contingency, for a
22 cumulative total of \$478,323.74, budgeted from the Information Systems Fund,
23 for professional services, training, and organizational change management in
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1 support of the City's migration to Office 365, pursuant to GSA Contract
2 No. GS-35F-333GA, consistent with Exhibit "A."

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4 Adopted _____

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7 Mayor

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9 Attest: _____
10 City Clerk

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12 Approved as to form: _____
13 City Attorney

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RESOLUTION NO. 40155

1 A RESOLUTION relating to surplus property; declaring certain real property owned
2 by the Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"),
3 consisting of approximately 1.65 acres of property located southerly of
4 Christiansen–Muck County Road, approximately 1,200 feet west of 46th
5 Avenue East in the Graham-Eatonville vicinity of unincorporated Pierce
6 County, Washington, surplus to the needs of the City; and authorizing the
7 negotiated sale and conveyance of said to Patrick M. and Shannon M.
8 Cookson for the sum of \$12,000.

9 WHEREAS the City of Tacoma, Department of Public Utilities, Light
10 Division (d.b.a. "Tacoma Power"), owns approximately 1.65 acres of property,
11 identified as Pierce County Assessor Tax Parcel No. 0317242034, located
12 southerly of Christiansen–Muck County Road, approximately 1,200 feet west of
13 46th Avenue East in the Graham-Eatonville vicinity of unincorporated Pierce
14 County, Washington ("Property"), with an estimated market value of \$12,000, as
15 more fully described in the documents on file in the office of the City Clerk, and

16 WHEREAS the Property is a small portion of Tacoma Power's Nisqually-
17 La Grande Transmission Line right-of-way, and Tacoma Power has determined
18 the Property is no longer essential for continued effective utility service , and

19 WHEREAS Patrick M. and Shannon M. Cookson desire to purchase the
20 Property to install a fence, and have offered to purchase the Property for \$12,000,
21 which is deemed acceptable by Tacoma Power and the Department of Public
22 Works, Real Property Services Division, and

23 WHEREAS the purchase price takes into consideration the reservation of a
24 permanent easement to Tacoma Power for current and future operations, and will
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1 allow Tacoma Power to align its property rights consistent with its abutting
2 easement rights along the corridor, and

3 WHEREAS the Department of Public Works proceeded with the negotiated
4 disposition process pursuant to Tacoma Municipal Code ("TMC") 1.06.280.F, and

5 WHEREAS, on September 26, 2018, by adoption of Public Utility Board
6 Resolution No. U-11025, the Property was declared surplus to Tacoma Power's
7 needs and approved for sale, pending confirmation from the City Council, and

8 WHEREAS, on October 23, 2018, pursuant to RCW 35.94.040 and
9 TMC 1.06.280, the City Council conducted a public hearing on the proposed sale
10 of said Property, and
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12 WHEREAS, there being no foreseeable need for continued City ownership
13 of the Property, the sale of said Property appears to be in the best interests of the
14 City, pending final approval from the City Council; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That continued ownership of approximately 1.65 acres of
17 property, identified as Pierce County Assessor Tax Parcel No. 0317242034,
18 located southerly of Christiansen–Muck County Road, approximately 1,200 feet
19 west of 46th Avenue East in the Graham-Eatonville vicinity of unincorporated
20 Pierce County, Washington, owned by the City of Tacoma, through its Department
21 of Public Utilities, Light Division, is not essential to the needs of the City and is
22 hereby declared surplus pursuant to RCW 35.22.020 and Article I, Section 1.2,
23 and Article IX, Section 9.1, of the Tacoma City Charter.
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Section 2. That the proper officers of the City are hereby authorized to execute all necessary documents to convey the subject parcel to Patrick M. and Shannon M. Cookson, for the amount of \$12,000, said documents to be substantially in the form of those on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11025



RESOLUTION NO. 40156

1 A RESOLUTION relating to surplus property; declaring certain real property owned
2 by the Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"),
3 consisting of approximately 1.65 acres of property located southerly of
4 SR 702 at Kinsman Road East in the Graham-Eatonville vicinity of
5 unincorporated Pierce County, Washington, surplus to the needs of the City;
6 and authorizing the negotiated sale and conveyance of said to Todd and
7 Zana Layland for the sum of \$12,000.

8 WHEREAS the City of Tacoma, Department of Public Utilities, Light Division
9 (d.b.a. "Tacoma Power"), owns approximately 1.65 acres of property located
10 southerly of SR 702 at Kinsman Road East in the Graham-Eatonville vicinity of
11 unincorporated Pierce County, Washington, identified as a portion of Pierce
12 County Assessor Tax Parcel No. 0317271011 ("Property"), with an estimated
13 market value of \$12,000, as more fully described in the documents on file in the
14 office of the City Clerk, and

15 WHEREAS the Property is a small portion of Tacoma Power's right-of-way
16 currently used for electrical distribution, and Tacoma Power has determined the
17 Property is no longer essential for continued effective utility service , and

18 WHEREAS Todd and Zana Layland desire to purchase the Property to
19 allow legal access to their property for development of a two-lot residential short
20 plat, and have offered to purchase the Property for \$12,000, which is deemed
21 acceptable by Tacoma Power and the Department of Public Works, Real Property
22 Services Division, and

23 WHEREAS, as the Laylands develop their property adjacent to the Property,
24 a portion of the Property necessary to maintain a public roadway will be dedicated
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1 to Pierce County for continued use of the public road, and Tacoma Power will
2 retain a permanent easement therein for current and future operations, and

3 WHEREAS the Department of Public Works proceeded with the negotiated
4 disposition process pursuant to Tacoma Municipal Code ("TMC") 1.06.280.F, and

5 WHEREAS, on September 26, 2018, by adoption of Public Utility Board
6 Resolution No. U-11026, the Property was declared surplus to Tacoma Power's
7 needs and approved for sale, pending confirmation from the City Council, and

8 WHEREAS, on October 23, 2018, pursuant to RCW 35.94.040 and
9 TMC 1.06.280, the City Council conducted a public hearing on the proposed sale
10 of said Property, and
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12 WHEREAS, there being no foreseeable need for continued City ownership
13 of the Property, the sale of said Property appears to be in the best interests of the
14 City, pending final approval from the City Council; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That continued ownership of approximately 1.65 acres of
17 property located southerly of SR 702 at Kinsman Road East in the Graham-
18 Eatonville vicinity of unincorporated Pierce County, Washington, identified as a
19 portion of Pierce County Assessor Tax Parcel No. 0317271011 ("Property"), owned
20 by the City of Tacoma, through its Department of Public Utilities, Light Division, is
21 not essential to the needs of the City and is hereby declared surplus pursuant to
22 RCW 35.22.020 and Article I, Section 1.2, and Article IX, Section 9.1, of the
23 Tacoma City Charter.
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Section 2. That the proper officers of the City are hereby authorized to execute all necessary documents to convey the subject Property to Todd and Zana Layland, for the amount of \$12,000, said documents to be substantially in the form of those on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11026



RESOLUTION NO. 40157

1 A RESOLUTION relating to Special Projects; designating the Tax and License
2 Account Closure and Collection Project as a special project of limited
3 duration; and designating general salary classifications and benefits for
4 persons employed on the project pursuant to Tacoma Municipal
5 Code 1.24.187 and Section 6.1(h) of the Tacoma City Charter.

6 WHEREAS 18,000 of the businesses licensed with the City of Tacoma are
7 based outside the City, with 19 percent of these businesses having delinquent
8 Tax and License accounts, and

9 WHEREAS, effective January 1, 2019, the City will have entered into a
10 contract with a new collection agency which will be able to collect delinquent tax
11 and license items, and

12 WHEREAS the Tax and License Account Closure and Collection Project
13 will review and standardize current practices related to account closure and
14 collection of delinquent items within the Tax and License Division, with a focus on
15 delinquent accounts for businesses located outside the City, and

16 WHEREAS the City desires to designate the Tax and License Account
17 Closure and Collection Project as a special project of limited duration for a period
18 of two years, beginning November 26, 2018, and to employ special project
19 employees for said project, and

20 WHEREAS, pursuant to TMC 1.24.187 and Section 6.1(h) of the Tacoma
21 City Charter, employees who are not regular employees and are hired as special
22 project employees are unclassified and paid using existing budgeted funds, as
23 provided for by ordinance or resolution of the City Council; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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Section 1. That the Tax and License Account Closure and Collection Project is hereby designated as a special project of limited duration for a period of two years, effective November 26, 2018.

Section 2. That, in accordance with Tacoma Municipal Code (“TMC”) 1.24.187 and Section 6.1(h) of the Tacoma City Charter, employees who have been hired or may be hired for positions expected to be of limited duration shall be designated as unclassified special project employees as of the date of hire.

Section 3. That the salaries and classifications set forth in the Compensation Plan of the City of Tacoma for permanent employees, or the closest classifications, shall be applied to similar positions of the special project, which positions may include, but are not limited to, Tax and License Office Auditor and Customer Service Representative. The Compensation Plan is incorporated herein by reference as if fully set forth.

Section 4. That employees who have been hired or may be hired as special project employees shall receive benefits in accordance with and pursuant to the provisions of the Compensation Plan of the City of Tacoma, and shall participate in the City’s Retirement System; provided, however, that special project employees hired to work on the identified special project shall not be eligible for longevity pay; and further, that should any current regular employee eligible for longevity pay be assigned to the special project, the employee so assigned shall continue to be eligible for longevity pay and shall become or remain a member of the City's



Retirement System pursuant to any applicable provisions of TMC 1.30, and
1 contributions shall be paid therein by the City pursuant to TMC 1.30.360.

2 Section 5. That, inasmuch as the positions to be filled pursuant to this
3 resolution are of a temporary nature and are unique in that they pertain only to the
4 aforementioned special project, they are deemed unclassified, temporary positions
5 of limited duration and persons so employed in such positions shall have no claim
6 to further or continued employment with the City of Tacoma after cessation of such
7 special project or after cessation of activities funded by said program, except
8 pursuant to obtaining status as regular City of Tacoma employees under the
9 provisions of the TMC or pursuant to further action of the City Council relating to
10 this special project.
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13 Section 6. That all acts by agents or employees of the City consistent
14 herewith are hereby ratified.

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16 Section 7. That the City Manager is hereby authorized to direct the
17 appropriate City officers to proceed with the necessary actions for the completion
18 of this special project.

19 Adopted _____

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21 _____
Mayor

22 Attest:

23 _____
24 City Clerk

25 Approved as to form:

26 _____
Deputy City Attorney



ORDINANCE NO. 28537

1 AN ORDINANCE relating to the license code; amending Tacoma Municipal Code
 2 Chapter 6B.165, Provisional Rental Property License, to establish a no-fee
 3 license and shortened license term for all rental property owners who fall
 4 under the requirements of said license for a first-time offense; increase
 penalties for repeat offenses or noncompliance; and address areas of
 inconsistency in the tax and license codes.

5 WHEREAS, to ensure the public health, safety, and welfare of its citizens
 6 and the maintenance of quality rental housing for Tacoma citizens, the City
 7 established a residential provisional rental property license program, codified as
 8 Tacoma Municipal Code (“TMC”) Chapter 6B.165, Provisional Rental Property
 9 License, to prevent and correct conditions in residential rental units that adversely
 10 affect or are likely to adversely affect the health, safety, and welfare of the public,
 11 and
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13 WHEREAS the provisional rental property license requirements include
 14 (1) an annual certification by all rental property owners that their properties meet
 15 the standards set forth in Section 59.18.060 of the Washington State Landlord-
 16 Tenant Act, and (2) when an inspection of a rental property is conducted by the City
 17 and violations total 25 or more points, according to the City’s Minimum Building
 18 Structures Code, an interior and exterior inspection is required to be conducted by a
 19 certified inspector and a Certificate of Inspection submitted to the property owner,
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23 WHEREAS the proposed amendments will provide rental property owners
 24 who fall under the requirements of this license as a first time offense, a no-fee and
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shortened term license if they comply with the license requirements within 90 days,

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and

WHEREAS the proposed amendments also include a higher license fee for rental property owners who do not comply within 90 days or who fall under the provisional rental property license multiple times, and

WHEREAS it is also necessary to amend TMC 6B.165 to address areas of inconsistency in the tax and license codes; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Tacoma Municipal Code Chapter 6B.165, Provisional Rental Property License, is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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Chapter 6B.165
PROVISIONAL RENTAL PROPERTY LICENSE

Sections:

- 6B.165.010 Purpose.
- ~~6B.165.020 Effective date of ordinance.~~
- 6B.165.030 Definitions.
- ~~6B.165.040 Annual business license and Certification required.~~
- 6B.165.050 Provisional rental property license required - Appeal.
- 6B.165.060 Exemptions.
- 6B.165.070 Provisional rental property license fees.
- 6B.165.080 Provisional rental property license ~~term~~conditions.
- 6B.165.085 Provisional rental property license no fee and shortened term.
- ~~6B.165.090 Inspection - Tenant notification.~~
- 6B.165.100 Inspection appeal.
- ~~6B.165.110 Compliance with provisions. Repealed~~
- 6B.165.120 Sale of property - New Owner notification~~compliance with provisions.~~
- ~~6B.165.130 Revocation of annual business license.~~
- 6B.165.140 Violation - Certificate of Complaints, penalties, and appeals.

6B.165.010 Purpose.

The Tacoma City Council finds that rental housing is a valuable community asset, providing homes for all income levels. The City recognizes that quality rental housing is a partnership between owners, tenants, and the City. The City finds that 3 to 5 percent of homes in Tacoma are below the minimum building standards and appear to violate RCW 59.18.060. As a result, to ensure the public health, safety, and welfare of its citizens and the maintenance of quality rental housing for Tacoma citizens, the City Council is establishing a residential provisional rental property license program to prevent and correct conditions in residential rental units that adversely affect or are likely to adversely affect the health, safety, and welfare of the public. It is the purpose of this section to assure that rental housing within the City is actively operated and maintained in compliance with RCW 59.18.060. Providing for a provisional rental property license is intended to address that small percentage of housing that ~~endangers~~ is deemed unsafe for renters and bring that housing into compliance with state law.

~~**6B.165.020 Effective date of ordinance.**~~

~~The ordinance takes effect January 1, 2012.~~

6B.165.030 Definitions.

* * *

“Notice of Violation” means a determination by a city official containing the violations ~~outlined in of the TMC 6B.165.0502-01.060, notice of the~~ provisional rental property license requirement, ~~or notice of the Certificate of Inspection requirement.~~

* *

“Tenant” is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes with ~~or without~~ a rental agreement.

~~**6B.165.040 Annual business license and Certification required.**~~

~~No person shall make available for rent, lease, or let, to any person a “dwelling unit” as defined in Section 6B.165.030 of this title without securing and maintaining a current annual business license, as required by Chapter 6B.20 of this title. Any person renting or making available for rent to the public any dwelling unit shall register each dwelling unit with the City of Tacoma and include an agreement~~



certifying that each such dwelling unit complies with RCW 59.18.060, as adopted by the state and does not present conditions that endanger or impair the health or safety of the tenants.

However, issuance of the annual business license shall require submission of the certification, as required herein; the provisional license and related certificate of inspection, if required by TMC 6B.165.050 and TMC 6B.165.090; payment of the fees; and compliance with this title.

6B.165.050 Provisional rental property license required – Appeal.

A. To ensure compliance with the state Landlord Tenant law, RCW 59.18.060, related to conditions of rental housing, the City will use TMC 2.01.060, the Minimum Buildings and Structures Code, and Chapter 3.02, the Fire Prevention Code, to make a threshold determination as to the condition of rental property. Accordingly, a provisional rental property license will be required for a rental property when a condition exists that endangers or impairs the health or safety of a tenant and when:

1. Under TMC Chapter 2.01.0560, Minimum Buildings and Structures Code, violations exceed 24 points, or
2. Under TMC Chapter 2.01.0560, Minimum Buildings and Structures Code, it is determined to be a Derelict Building or Structure, or
3. Violations of the International Fire Code, TMC Chapter 3.02, exist.

B. Notice of a violation stating that a provisional rental license is required shall be given and mailed pursuant to TMC 6B.10.120, Mailing of Notices.

C. Appeal.

1. A person who receives notice that a provisional rental property license is required due to violations of TMC Chapter 2.01.060, the Minimum Buildings and Structures Code, may request an administrative review by the Building Official as provided in Chapter 2.01.0650.FD.5.b.

2. A person who receives notice that a provisional rental property license is required due to violations of TMC Chapter 3.02 only may appeal such a determination as provided in General License Provisions 6B.10.140, Suspension or Revocation Denial or revocation - Appeal.

6B.165.060 Exemptions.

Buildings, building areas, or living arrangements described in one or more of the following paragraphs are exempted from the requirement to obtain a provisional rental property license.

* * *

D. A rental property that has received a certificate of occupancy within the last four years and has had no code violations under Chapter 2.01.060 or Chapter 3.02 reported on the property during that period.

* * *

6B.165.070 Provisional rental property license fees.

The fees are hereby fixed as follows:

Description	Fee
Provisional rental property license - 1st notice of violation -under §Section 6B.165.080	\$250500
Provisional rental property license – 2nd notice of violation under §Section 6B.165.080 for the same owner	\$5001,000
Provisional rental property license – 3rd and subsequent notice of violation under §Section 6B.165.080 for the same owner	\$12,000
Public corporation provisional rental property license	\$0.00

License fee is due within 30 days of date of the notification provided under TMC 6B.165.050.

The City shall charge no license fee for units owned by or leased and operated by a Public Corporation, so long as such units have also been individually certified to the City as low-income rental property by the Public Corporation, and such certification is valid at the time the fee would otherwise be due.



6B.165.080 Provisional rental property license ~~term~~ conditions.

Any person required to have a provisional rental property license shall be subject to the following conditions; licensed for three (3) years. To be released from the requirement for a provisional rental property license, the owner must be in compliance with RCW 59.18.060 before the license term ends and the dwelling must be approved as compliant with RCW 59.18.060 in a final certificate of inspection submitted to the City within 90 days after the provisional license expires.

A. Certificate of Inspection.

The owner shall submit a certificate of inspection based on the criteria outlined in Section 6B.165.090:

- 1. Within three months of notice of violation of this chapter; or
- 2. The owner receives approval of a work plan from the City’s Neighborhood and Community Services Department that will bring the property into compliance with RCW 59.18.060 within six months of the date of notice of violation.

B. Provisional Rental Housing Safety Training.

The owner, or their designated local agent responsible for managing the property, shall complete the City’s Crime Free Housing Landlord Tenant Training or Provisional Rental Housing Safety Training within three months of notice of violation of this chapter.

C. License fee and term.

- 1. The license fee shall be paid as described in Section 6B.165.070.
- 2. The license term is three years from the date of issuance and will be issued after the fee is paid and the conditions in Subsections 6B.165.080.A and 6B.165.080.B have been met.

D. Final Certificate of Inspection.

Within 30 days prior to the expiration date of the license, a new certificate of inspection dated within the previous 60 days shall be submitted to the City as outlined in Section 6B.165.090.

6B.165.085 Provisional rental property license; no fee and shortened term.

~~A. In lieu of the requirements set forth in 6B.165.070 and 6B.165.080, a~~Any person meeting ~~all of the following conditions outlined in Subsections 6B.165.080.A and B and no prior Provisional Rental License notifications as provided herein have been sent to the owner for any rental properties located inside the City limits will be exempt from the license fee and license term in Subsection 6B.165.080.C and requirements of 6B.165.080.D, may remit a \$125 fee and be licensed for ninety (90) days.~~

- ~~1. Under TMC 2.01.060 (Minimum Buildings and Structures Code), when violation points are between 25 and 49 points; and~~
- ~~2. No prior notifications of Chapter 6B.165 have been sent to the rental property owner for any rental properties located inside the City; and~~
- ~~3. A person provides a certificate of inspection to the City, in accordance with TMC 6B.165.090, within ninety (90) days following notice by the City that this chapter applies to the rental property or who provides a work plan to bring the property into compliance with RCW 59.18.060 to the City for approval and who adheres to the repair schedule agreed to under the Minimum Building and Structures Code, Chapter 2.01.060, for repairs to the property; and~~
- ~~4. The property owner, or their designated local agent responsible for managing the property, attends the Crime Free Housing Landlord Training offered by the City, and pay the appropriate fee, within ninety (90) days following notice by the City.~~

6B.165.090 Inspection – Tenant notification.

A. Inspection. As a condition ~~for the issuance~~ of a provisional rental property license ~~provided by this chapter,~~ the owner shall ~~provide~~ submit to the City a certificate of inspection, on forms provided by the city, that the owner’s rental property complies with State Title 59 Landlord and Tenant section 59.18.060 and does not present conditions that endanger or impair the health or safety of a tenant.

- 1. A rental property owner may choose to inspect one hundred percent of the units on the rental property and provide only the certificate of inspection for all units to the city. ~~However, if a rental property owner~~



1 chooses to inspect only a sampling of the units, the owner must send written notice of the inspection to all
2 units at the property. The notice must advise tenants that some of the units at the property will be
3 inspected and that the tenants whose units need repairs or maintenance should send written notification to
4 the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails
5 to adequately respond to the request for repairs or maintenance, the tenants may contact city officials. A
6 copy of the notice must be provided to the inspector upon request on the day of inspection.

7 2.a. If a rental property has twenty or fewer dwelling units, no more than four dwelling units at the rental
8 property may be selected by the city to provide a certificate of inspection as long as the initial inspection
9 reveals that no conditions exist that endanger or impair the health or safety of a tenant.

10 3.b. If a rental property has twenty-one or more units, no more than twenty percent of the units, rounded
11 up to the next whole number, on the rental property, and up to a maximum of fifty units at any one
12 property, may be selected by the city to provide a certificate of inspection as long as the initial inspection
13 reveals that no conditions exist that endanger or impair the health or safety of a tenant.

14 B. Inspection results.

15 1.e. If a rental property owner is asked to provide a certificate of inspection for a sample of units on the
16 property and a selected unit fails the initial inspection, the city may require up to one hundred percent of
17 the units on the rental property to provide a certificate of inspection.

18 2.d. If a rental property has had conditions that endanger or impair the health or safety of a tenant reported
19 since the last required inspection, the city may require one hundred percent of the units on the rental
20 property to provide a certificate of inspection.

21 3.e. If a rental property owner chooses to hire a qualified inspector other than a city code enforcement
22 officer, and a selected unit of the rental property fails the initial inspection, both the results of the initial
23 inspection and any certificate of inspection must be provided to the city.

24 CB. Tenant Notification.

25 1. If a rental property owner chooses to inspect only a sampling of the units, the owner must send written
26 notice of the inspection to all units at the property. The notice must advise tenants that some of the units
at the property will be inspected and that the tenants whose units need repairs or maintenance should send
written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants
that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may
contact city officials. A copy of the notice must be provided to the inspector upon request on the day of
inspection.

2 2. The landlord shall provide written notification of his or her intent to enter an individual unit for the
3 purposes of providing the city a certificate of inspection in accordance with RCW 59.18.150(6). The
4 written notice must indicate the date and approximate time of the inspection and the company or person
5 performing the inspection, and that the tenant has the right to see the inspector's identification before the
6 inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request
7 on the day of inspection.

8 3.2. A tenant who continues to deny access to his or her unit is subject to RCW 59.18.150(8).

9 ~~C. The owner shall submit a certificate of inspection based upon the physical inspection of the rental
10 property which was conducted after the City of Tacoma's date of inspection which caused the notice of
11 violation sent to the owner, pursuant to TMC 6B.165.050, stating that a provisional rental property
12 license is required.~~

13 D. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection,
14 or knowingly submits falsified information upon which a certificate of inspection is issued, is, in addition
15 to the penalties provided for in TMC 6B.10.260, guilty of a gross misdemeanor and may be punished by a
16 fine of not more than \$5,000. Any inspector convicted of, admitting to or submitting a falsified certificate
17 of inspection, will no longer be a qualified inspector as defined under TMC 6B.165.030.

18 **6B.165.100 Inspection appeal.**

19 A. If a rental property owner does not agree with the findings of an inspection performed by a qualified
20 inspector, as defined under this section, other than a city code enforcement officer, the property owner



may request a Minimum Housing Code Inspection by a city code enforcement officer and pay the applicable fee.

1 B. If a rental property owner does not agree with the findings of an inspection performed by a city code
2 enforcement officer under this section, the property owner may request an administrative review as
3 provided in TMC 2.01.050.D.5.b.appeal as provided below:

4 1. ~~An owner may request an administrative review by the Building Official of findings of inspection, by~~
5 ~~filing a written request with the Neighborhood and Community Services Department within ten calendar~~
6 ~~days of the inspection.~~

7 2. ~~The request shall state in writing the reasons the Building Official should review the findings. Failure~~
8 ~~to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the~~
9 ~~request for administrative review, the Building Official shall review the information provided.~~

10 3. ~~Decision of Building Official. After considering all of the information provided, including information~~
11 ~~from the code enforcement officer and the City Attorney, or his or her designee, the Building Official~~
12 ~~shall affirm, or modify the findings of inspection. The Building Official's decision shall be delivered in~~
13 ~~writing to the appellant by first class mail or hand delivery.~~

14 4. ~~Appeals of the Decision of the Building Official to Hearing Examiner. Appeals of the Decision~~
15 ~~resulting from the Building Official's Review shall be made to the Hearing Examiner within 21 calendar~~
16 ~~days from the date of the Building Official's Decision. The hearing shall be conducted in accordance with~~
17 ~~the procedures for hearing contested cases set out in TMC 1.23. The Hearing Examiner shall set a date for~~
18 ~~hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing~~
19 ~~thereon the Hearing Examiner shall, after appropriate findings of fact and conclusions of law shall issue~~
20 ~~Findings of Fact and Order in writing.~~

21 **~~6B.165.110 Compliance with provisions.~~**

22 A. ~~Any person required to have a provisional rental property license who files a complete application,~~
23 ~~pays the license fee within thirty (30) days, and files a certificate of inspection within ninety (90) days~~
24 ~~following the initial notice shall be deemed compliant with this chapter unless and until the application is~~
25 ~~denied; provided however that such person, or their designated local agent responsible for managing the~~
26 ~~property, shall also be required to attend the City's Crime Free Housing Landlord Training and pay the~~
~~appropriate fee for such, within one hundred eighty (180) days following the initial notice.~~

B. ~~Any person required to have a provisional rental property license who provides and adheres to an~~
~~acceptable work plan to bring the property into compliance with RCW 59.18.060 shall be deemed~~
~~compliant upon approval by the City; provided, however, that such person, or their designated local agent~~
~~responsible for managing the property, shall also be required to attend the City's Crime Free Housing~~
~~Landlord Training and pay the appropriate fee for such, within one hundred eighty (180) days following~~
~~the initial notice.~~

C. ~~It shall be unlawful to rent, to receive rental income from, or to offer for rent a dwelling subject to the~~
~~license requirements of this chapter beginning ninety (90) days after service of notice by the City that a~~
~~license is required under this part unless a complete application and a certificate of inspection for a~~
~~provisional rental property license has been submitted for the rental property, or a work plan has been~~
~~provided and approved pursuant to TMC 6B.165.110(B).~~

21 **6B.165.120 Sale of property – Owner notification~~New owner compliance with provisions.~~**

22 Where a property has an existing provisional rental property license requirement ~~and conditions exist that~~
23 ~~are in violation of RCW 59.18.060 and there is a change of ownership, the owner selling the property~~
24 ~~shall notify the City at the time of the sale. †The new owner ~~will~~ may be subject to the provisions of this~~
25 ~~chapter upon receiving a notice of violation and may appeal such determination as provided in 6B.10.140.~~
26 ~~The new owner shall provide a plan to bring the property into compliance with RCW 59.18.060 to the~~
~~City for approval within 30 days from the date of the notice of violation. An approved plan by the City~~
~~will exempt the new owner from the license fee requirement as long as the plan requirements are met. If~~
~~the plan is deemed unapproved or withdrawn by the City the license fee due under TMC 6B.165.070 shall~~
~~become immediately due.~~



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~~A new owner required to obtain a provisional rental license may appeal such a determination as provided in General License Provisions 6B.10.140 Suspension or revocation—Appeal.~~

~~**6B.165.130 Revocation of Annual Business License.**~~

~~Any license issued under TMC 6B.20 may be suspended or revoked for any violation of this chapter by the licensee, or his or her agents or employees.~~

~~**6B.165.140 Violations - Certificate of Complaint penalties, and appeals.**~~

~~If the city finds that a violation of any provision of this chapter exists, the City, after notice to the owner, may take any one or more of the following actions to remedy the violation:~~

- ~~1. Impose a civil penalty in accordance with General License Provisions TMC 6B.10.260 Violations—Penalties or;~~
- ~~2. Revoke or deny the provisional rental property license; or~~
- ~~3. Revoke or deny the Annual Business License or;~~
- ~~4. File a Certificate of Complaint as defined in TMC 2.01.~~

~~Violations and penalties in this section may be appealed as provided in TMC 6B.10.265 Administrative reviews by the director of Notice of Penalty—Appeal.~~

~~Revocation or denial of license may be appealed as provided in General License Provisions TMC 6B.10.140 Suspension or Revocation—Appeal.~~



ORDINANCE NO. 28538

1 AN ORDINANCE relating to the tax and license codes; amending Tacoma
2 Municipal Code Chapters 6A.10, 6B.10, and 6B.20, related to penalty
3 waivers and license fees, to add a new minimum license threshold, as
4 required by state law, and to update language.

4 WHEREAS a comprehensive review of Title 6 of the Tacoma Municipal
5 Code ("TMC") has not been conducted since 2005, when the City adopted the
6 Model Tax Ordinance, and

7 WHEREAS, at that time, TMC Title 6 was separated into two subchapters
8 creating separate tax and license codes, and

9 WHEREAS, since 2006, the City has offered a pro-rated license fee of
10 one-half of the license fee for businesses that open between July 1 and
11 December 31, and

12 WHEREAS, in 2017, the City added a third tier to the annual business
13 license fee structure, based on the annual gross income of the business, and

14 WHEREAS, in 2017, the Washington State Legislature passed Engrossed
15 House Bill 2005, which requires all cities to create a Model Licensing Ordinance
16 prior to January 1, 2019, establishing a minimum threshold before a business
17 license is required, and

18 WHEREAS the Association of Washington Cities and City licensing officials
19 established a Model Licensing Ordinance that creates a license fee exemption for
20 businesses based outside the City and which have less than \$2,000 in gross
21 income in the City, and

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WHEREAS the proposed amendments to TMC 6A.10, 6B.10, and 6B.20 will add a new minimum license threshold, as required by state law, and update language, and

WHEREAS, on October, 16, 2018, staff presented the proposed TMC amendments to the Government Performance & Finance Committee, which were approved for consideration by the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Tacoma Municipal Code (“TMC”) 6A.10, General Tax Provisions, is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That TMC 6B.10, General License Provisions, is hereby amended as set forth in the attached Exhibit “B.”

Section 3. That TMC Chapter 6B.20, Application of chapter, is hereby amended as set forth in the attached Exhibit “C.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 6A.10
GENERAL TAX PROVISIONS

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Sections:

- 6A.10.010 Purpose.
- 6A.10.015 Application of chapter.
- 6A.10.020 Tax definitions.
- 6A.10.021 Definition – References to Chapter 82.32 RCW
- 6A.10.030 *Repealed.*
- 6A.10.040 Reporting periods – Due dates – Filing requirements - Threshold provisions – Failure to file returns.
- 6A.10.050 Filing returns or remittances.
- 6A.10.060 Records to be preserved – Examination – Estoppel to question assessment.
- 6A.10.070 Accounting methods.
- 6A.10.080 Public work contracts – Payment of tax before final payment for work.
- 6A.10.090 Underpayment of tax, interest, or penalty – Interest.
- 6A.10.095 Time in which assessment may be made.
- 6A.10.100 Overpayment of tax, penalty, or interest – Credit or refund – Interest rate – Statute of limitations.
- 6A.10.110 Late payment – Disregard of written instructions – Evasion – Penalties.
- 6A.10.120 ~~Cancellation~~ Waiver of penalties.
- 6A.10.125 Voluntary registration.
- 6A.10.130 Taxpayer quitting business – Liability of successor.
- 6A.10.140 Appeal.
- 6A.10.150 Judicial review.
- 6A.10.160 Director to make rules.
- 6A.10.170 Ancillary allocation authority of Director.
- 6A.10.180 Service of notices.
- 6A.10.190 *Repealed.*
- 6A.10.200 Public disclosure – Confidentiality – Information sharing.
- 6A.10.210 *Repealed.*
- 6A.10.220 Unlawful actions – Violation – Penalties.
- 6A.10.230 *Repealed.*
- 6A.10.240 Settlement agreement provisions.
- 6A.10.250 Charge-off of uncollectible taxes.
- 6A.10.260 Severability.

* * *

6A.10.120 ~~Cancellation~~ Waiver of penalties.

- A. The Director may cancel any penalties imposed under Section 6A.10.110.A if ~~the~~ taxpayer:
 - 1. ~~s~~Shows that the taxpayer's ~~its~~ failure to timely ~~file or~~ pay the tax was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the taxpayer shows that ~~it~~they exercised ordinary business care and prudence in making arrangements to ~~file the return and~~ pay the tax but was nevertheless, due to circumstances beyond the taxpayer's control, unable to ~~file or~~ pay by the due date; ~~The Director has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection C.~~
 - 2. Submits A request for ~~cancellation~~waiver of penalties in writing; and must be received by the Director within 30 days after the date the Department mails the notice that the penalties are due.



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~~3. Includes in T~~the request ~~must be in writing and contain~~ competent proof of all pertinent facts supporting a reasonable cause determination. In all cases, the burden of proving the facts rests upon the taxpayer.

~~B.~~ The Director may ~~cancel~~waive the penalties in Sections 6A.10.110.A ~~one time~~ if a person:

- 1. ~~Was~~Is not currently licensed and filing returns;
- 2. Was unaware of the person’s responsibility to file and pay tax; and
- 3. ~~Paid and filed all Obtained~~ business license ~~fees~~ and ~~filed past due~~ tax returns within 30 days after being notified by the Department, or entered into a payment agreement approved by the Director, and the past due license fees and tax returns are paid within the terms outlined in the agreement.

C. The Director may waive the penalties in Section 6A.10.110 when a taxpayer has filed and paid on time all tax returns required for the two calendar years prior to the year in which the tax return was filed late, even if the reason for late filing does not meet the criteria of Sections 6A.10.120.A or 6A.10.120.B.

D. The Director shall not ~~cancel~~waive any interest charged upon amounts due.

6A.10.180 Service of notices.

Any notice required by this subchapter to be served to any taxpayer shall be served, to any address of the taxpayer as shown by the records of the Director. Failure of the taxpayer to receive any such notice shall not release the taxpayer from any tax, interest, or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this subchapter. It is the responsibility of the taxpayer to inform the Director in writing about a change in a taxpayer’s address.

* * *



EXHIBIT "B"

Chapter 6B.10
GENERAL LICENSE PROVISIONS

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Sections:

- 6B.10.010 Subtitle designated as License Code.
- 6B.10.020 Application of chapter.
- 6B.10.030 License definitions.
- 6B.10.040 License required.
- 6B.10.045 Exemptions for preapproval.
- 6B.10.050 Separate licenses – When required.
- 6B.10.060 Application for license.
- 6B.10.070 Term of license.
- 6B.10.075 Director to make rules.
- 6B.10.080 Due date.
- 6B.10.090 Renewal of license - Late payment
- 6B.10.095 ~~Cancellation~~ Waiver of penalties.
- 6B.10.105 Advertising unlicensed premises.
- 6B.10.110 *Repealed.*
- 6B.10.115 Hours of operation – Massage.
- 6B.10.117 Unlicensed practice – Massage – Penalties.
- 6B.10.120 Service of notices.
- 6B.10.130 Failure to file.
- 6B.10.140 Denial or revocation – Appeal.
- 6B.10.145 Summary suspension – Appeal.
- 6B.10.150 *Repealed.*
- 6B.10.160 Refund of license fee.
- 6B.10.170 *Repealed.*
- 6B.10.180 Inspection.
- 6B.10.190 Investigations and background checks.
- 6B.10.195 Public work contracts – Payment of license fee before final payment for work.
- 6B.10.200 Death of licensee – Continuation of license.
- 6B.10.210 *Repealed.*
- 6B.10.220 Transfer of licenses.
- 6B.10.230 *Repealed.*
- 6B.10.240 Engaging in activity without license – Penalty.
- 6B.10.245 License constitutes debt.
- 6B.10.250 Separate offenses.
- 6B.10.255 Charge-off of uncollectible fees.
- 6B.10.257 Closing agreement provisions.
- 6B.10.260 Violations – Penalties.
- 6B.10.262 Cancellation of civil penalties.
- 6B.10.265 Administrative reviews by the director of Notice of Penalty – Appeal.
- 6B.10.268 Additional relief.
- 6B.10.270 Severability.

* * *

6B.10.095 ~~Cancellation~~ Waiver of penalties.

A. The Director may ~~cancel~~ waive any penalties imposed under Section 6B.10.090 if a person:
1. the licensee Shows that the person's failure to timely ~~file or~~ pay the license fee was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the ~~person~~ licensee shows that ~~they~~



exercised ordinary business care and prudence in making arrangements to ~~file the license and~~ pay the license fee but was nevertheless, due to circumstances beyond the person licensee's control, unable to ~~file or~~ pay by the due date; ~~The Director has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection C.~~

2. Submits B. Aa request for cancellation/waiver of penalties must be received by the Director within 30 days after the date the Department mails the notice that the penalties are due. The request must be in writing; and

3. Includes in the request and contain competent proof of all pertinent facts supporting a reasonable cause determination. In all cases, the burden of proving the facts rests upon the licensee/person.

BC. The Director may ~~cancel/waive any~~the penalties in Sections 6B.10.090 ~~one time~~ if a person:

1. ~~Is/Was~~ not currently licensed;
2. Was unaware of the person's responsibility to file and pay license fees; and
3. Paid and filed all Obtained past due business license fees and filed past due tax returns within 30 days after being notified by the Department, or entered into a payment agreement approved by the Director and the past due license fees and tax returns are paid within the terms outlined in the agreement.

C. The Director may waive the penalties in Section 6B.10.090 when a person has filed and paid on time all license fees required for the two calendar years prior to the year in which the license was filed late even if the reason for late filing does not meet the criteria of Sections 6B.10.095.A or 6B.10.095.B.

* * *

6B.10.160 Refund of license fee.

A. Revocation. Upon revocation, suspension or denial of any license as provided in this chapter, no portion of the license fee shall be returned to the licensee.

B. License application withdrawn. Upon licensee request to withdraw their initial application, the fee paid shall be returned to the applicant by the City, together with notice that the application has been withdrawn; provided that no refund shall be made where the applicant has engaged in the business activity for which the license was intended, or where inspection has been performed by any City department to review said license application.

C. Overpayment. If, upon request by a licensee for a refund ~~or upon an examination of the records of any licensee, and if~~ it is determined by the Director that a fee has been paid in excess of that properly due, the excess amount paid shall be credited to the licensee's account or shall be refunded to the licensee, however, no refund or credit shall be allowed for any payment made to the Director more than four years before the date of such request or examination.

D. License fees paid according to Section 6B.20.020.C shall not be credited or refunded due to a business's actual gross income.

* * *



EXHIBIT "C"

**Chapter 6B.20
ANNUAL BUSINESS LICENSE**

Sections:

- 6B.20.010 License required.
- 6B.20.020 License fee.
- 6B.20.030 *Repealed.*
- 6B.20.035 Exemptions.
- 6B.20.040 Date of payment. Term of license – Due date – Late payment.
- 6B.20.050 License required to be posted at each business location.
- 6B.20.060 Statute of limitations – Unlicensed licensees.

6B.20.010 License required.

It shall be unlawful for any person to engage in business activities within the City, whether his or her office or place of business is located within and/or outside City limits, including any person who engages in the business of renting or leasing real property in the City. without first obtaining a license pursuant to the provisions of this chapter. For purposes of this chapter, this license is referred to as an "annual business license."

6B.20.020 License fee.

Pursuant to Section 6B.20.010, there is hereby imposed an annual business license fee based on anticipated gross income as shown in subsection C, with the following exceptions:

- A. Any charitable organization that has been exempted from payment of taxes to the federal government under Section 501(c)(3) of the Internal Revenue Code shall pay an annual administrative fee of \$25.
- B. In the case where business is transacted at two or more locations by one licensee person, each additional location shall pay an annual administrative fee of \$25.
- C.

Year	<u>Anticipated</u> Gross Income	Annual Fee	<u>Pro-rated fee 1st year (start July 1 – Dec 31)</u>
2006 – 2011	Less than \$10,000	Zero	Zero
2006 – 2011	\$10,000 or more	\$80	\$40
2012 and after	Less than \$12,000	\$25	\$25
2012 – 2016	\$12,000 or more	\$90	\$45
2017 and after	Between \$12,000 and \$250,000	\$110	\$55
2017 and after	More than \$250,000	\$250	\$125

* * *

6B.20.035 Exemptions.

To the extent set forth in this section, the following persons and businesses shall be exempt from the license requirements as outlined in this chapter:

Any person or business who does not maintain a place of business within the City and whose annual value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than \$2,000 shall be exempt from the general business license requirements of this chapter. The exemption does not apply to regulatory license requirements.



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6B.20.040 ~~Date of payment~~Term of license – Due date – Late Payment.

~~The annual license fee prescribed herein shall be due on January 31 of each year. Effective January 1, 2004, licensees who engage in the business of renting or leasing real property in the City shall pay the annual license fee. The amount of penalties to be assessed shall be calculated pursuant to the provisions of TMC 6B.10.090.~~

The term of the license shall be January 1 through December 31 of every year. The due date of the license shall be January 31, unless the due date is a Saturday, Sunday, or City or federal legal holiday, then the due date shall be the next succeeding day that is neither a Saturday, Sunday, or City or federal legal holiday. Penalties shall be assessed pursuant to TMC 6B.10.090.

6B.20.060 Statute of limitations – Unlicensed licensees.

With regard to unlicensed licensees, no assessment ~~or correction of an assessment~~ for additional fees and penalties may be made due by the Director more than four years after the close of the calendar year in which they were ~~incurred~~filed, except that the Director may issue an assessment:

- A. Against a person who is not currently registered or has not filed a license as required by this title for fees due within the period commencing 10 years prior to the close of the calendar year in which the person registered with the City was contacted in writing by the Director;
- B. Against a person that has committed fraud or who misrepresented a material fact; or
- C. Against a person that has executed a written waiver of such limitations.



ORDINANCE NO. 28539

1 AN ORDINANCE relating to the Tax and License Codes; amending Tacoma
2 Municipal Code Chapters 6A.20, 6A.30, 6A.40, 6A.50, 6A.60, 6A.90, 6B.30,
3 6B.40, 6B.90, 6B.110, 6B.150, 6B.160, 6B.170, 6B.180, and 6B.220; and
4 repealing in their entirety Chapters 6B.120 and 6B.200, to update language
5 and address areas of inconsistency.

6 WHEREAS a comprehensive review of Title 6 of the Tacoma Municipal
7 Code (“TMC”) has not been conducted since 2005, when the City adopted the
8 Model Tax Ordinance, and

9 WHEREAS, at that time, TMC Title 6 was separated into two subchapters
10 creating separate tax and license codes, and

11 WHEREAS it is necessary to amend TMC Title 6 to update language and
12 address areas of inconsistency in the tax and license codes, and

13 WHEREAS, on October, 16, 2018, staff presented the proposed TMC
14 amendments to the Government Performance & Finance Committee, which were
15 approved for consideration by the City Council; Now, Therefore,

16 BE IT ORDAINED BY THE CITY OF TACOMA:

17 Section 1. That Tacoma Municipal Code (“TMC”) 6A.20, Admission Tax, is
18 hereby amended as set forth in the attached Exhibit “A.”

19 Section 2. That TMC 6A.30, Business and Occupation Tax, is hereby
20 amended as set forth in the attached Exhibit “B.”

21 Section 3. That TMC Chapter 6A.40, Communications Tax, is hereby
22 amended as set forth in the attached Exhibit “C.”

23 Section 4. That TMC Chapter 6A.50, Electricity Business and Solid Waste
24 Collection, is hereby amended as set forth in the attached Exhibit “D.”
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26



1 Section 5. That TMC Chapter 6A.60, Gambling Tax, is hereby amended as
set forth in the attached Exhibit "E."

2 Section 6. That TMC Chapter 6A.90, Natural or Manufactured Gas Tax, is
3 hereby amended as set forth in the attached Exhibit "F."
4

5 Section 7. That TMC Chapter 6B.30, Adult Entertainment, is hereby
6 amended as set forth in the attached Exhibit "G."

7 Section 8. That TMC Chapter 6B.40, Alarm Devices, is hereby amended as
8 set forth in the attached Exhibit "H."

9 Section 9. That TMC Chapter 6B.90, Fire Alarms and Fire Suppression
10 Systems, is hereby amended as set forth in the attached Exhibit "I."
11

12 Section 10. That TMC Chapter 6B.110, Garages, Fuel Stations, and Marine
13 Repair Facilities, is hereby amended as set forth in the attached Exhibit "J."

14 Section 11. That TMC Chapter 6B.120, Gas Fitters and Appliance
15 Installers, is hereby repealed in its entirety as set forth in the attached Exhibit "K."
16

17 Section 12. That TMC Chapter 6B.150, Oil and Gas Delivery Vehicles, is
18 hereby amended as set forth in the attached Exhibit "L."

19 Section 13. That TMC Chapter 6B.160, Pawnbrokers, Secondhand
20 Dealers, and Garage Sales, is hereby amended as set forth in the attached
21 Exhibit "M."
22

23 Section 14. That TMC Chapter 6B.170, Sales – Door-To-Door Soliciting, is
24 hereby amended as set forth in the attached Exhibit "N."

25 Section 15. That TMC Chapter 6B.180, Sales – Sidewalk Vendors, is
26 hereby amended as set forth in the attached Exhibit "O."



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Section 16. That TMC Chapter 6B.200, Septic and Side Sewer Contractors,

is hereby repealed in its entirety as set forth in the attached Exhibit "P."

Section 17. That TMC Chapter 6B.220, For-Hire Regulations, is hereby

amended as set forth in the attached Exhibit "Q."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 6A.20
ADMISSION TAX**

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Sections:

~~6A.20.010 Administrative provisions.~~

6A.20.020 Definitions.

6A.20.030 Tax levied.

6A.20.040 Cover charge – Payment for refreshments.

6A.20.050 Price to show on ticket.

6A.20.060 Collection and payment of tax.

~~6A.20.010 Administrative provisions.~~

~~The administrative provisions of Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

* * *



EXHIBIT “B”

**Chapter 6A.30
BUSINESS AND OCCUPATION TAX**

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Sections:

- 6A.30.010 Purpose.
- ~~6A.30.020 Exercise of revenue license power.~~
- ~~6A.30.028 Administrative provisions.~~
- 6A.30.030 Definitions.
- 6A.30.040 Agency – Sales and services by agent, consignee, bailee, factor, or auctioneer.
- 6A.30.050 Imposition of the tax – Tax ~~or fee~~ levied.
- ~~6A.30.060 Doing business with the City.~~
- 6A.30.065 Job credits.
- 6A.30.066 Small business phased tax credit.
- 6A.30.070 Multiple activities credit when activities take place in one or more cities with eligible gross receipt taxes.
- 6A.30.075 Deductions to prevent multiple taxation of manufacturing transactions occurring prior to January 1, 2008 involving more than one city with an eligible gross receipts tax.
- 6A.30.076 Assignment of gross income derived from intangibles.
- 6A.30.077 Allocation and apportionment of income when activities take place in more than one jurisdiction.
- 6A.30.078 Allocation and apportionment of printing and publishing income when activities take place in more than one jurisdiction.
- 6A.30.090 Exemptions.
- 6A.30.100 Deductions.
- 6A.30.110 Application to City’s business activities.
- 6A.30.120 Tax part of overhead.
- 6A.30.130 Severability clause.

6A.30.010 Purpose.

This section implements Washington Constitution Article XI, Section 12 and RCW 35.22.280(32) (first class cities), which give municipalities the authority to license for revenue. In the absence of a legal or constitutional prohibition, municipalities have the power to define taxation categories as they see fit in order to respond to the unique concerns and responsibilities of local government. It is intended that this chapter be as uniform as possible among the various municipalities. Uniformity with provisions of state tax laws should not be presumed, and references in this section to statutory or administrative rule changes do not mean state tax statutes or rules promulgated by the Department of Revenue.

~~6A.30.020 Exercise of revenue license power.~~

~~The provisions of this chapter are subject to periodic statutory or administrative rule changes or judicial interpretations of the ordinances or rules. The responsibility rests with the licensee or taxpayer to reconfirm tax computation procedures and remain in compliance with the TMC.~~

~~6A.30.028 Administrative provisions.~~

~~The administrative provisions contained in Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

6A.30.030 Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

* * *



“Engaging in business.”

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C. 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.

1. 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.

2. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the City.

3. Soliciting sales.

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

5. 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.

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

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

8. Collecting current or delinquent accounts.

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

10. 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.

11. 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.

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

13. 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.

14. Investigating, resolving, or otherwise assisting in resolving customer complaints.

15. 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.

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

~~17. Accepting or executing a contract with the City, irrespective of whether 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.~~

* * *

“Taxpayer” means any person as herein defined required to have a registration under this Subtitle 6A or liable for the collection of any tax ~~or fee~~ under this subtitle, or who engages in any business or who performs any act for which a tax ~~or fee~~ is imposed by this subtitle.

* * *



6A.30.050 Imposition of the tax – Tax ~~or fee~~ levied.

* * *

1 A. Except as provided in Subsection B of this section, there is hereby levied upon and shall be collected from
2 every person a tax for the act or privilege of engaging in business activities within the City, whether the
3 person's office or place of business be within or without the City. The tax shall be in amounts to be
4 determined by application of rates against gross proceeds of sale, gross income of business, or value of
5 products, including by-products, as the case may be, as follows:

6 1. Upon every person engaging within the City in business as an extractor; as to such persons the amount of
7 the tax with respect to such business shall be equal to the value of the products, including by-products,
8 extracted within the City for sale or for commercial or industrial use, multiplied by the rate of eleven
9 one-hundredths of 1 percent (0.0011). The measure of the tax is the value of the products, including
10 by-products, so extracted, regardless of the place of sale or the fact that deliveries may be made to points
11 outside the City.

12 2. Upon every person engaging within the City in business as a manufacturer; as to such persons the amount
13 of the tax with respect to such business shall be equal to the value of the products, including by-products,
14 manufactured within the City, multiplied by the rate of eleven one-hundredths of 1 percent (0.0011). The
15 measure of the tax is the value of the products, including by-products, so manufactured, regardless of the
16 place of sale or the fact that deliveries may be made to points outside the City.

17 3. Upon every person engaging within the City in the business of making sales at wholesale, except persons
18 taxable under subsection (6) of this section; as to such persons, the amount of tax with respect to such
19 business shall be equal to the gross proceeds of such sales of the business ~~without regard to the place of~~
20 ~~delivery of articles, commodities, or merchandise sold,~~ multiplied by the rate of one hundred two
21 one-thousandths of 1 percent (0.00102).

22 4. Upon every person engaging within the City in the business of making sales at retail; as to such persons,
23 the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the
24 business ~~without regard to the place of delivery of articles, commodities, or merchandise sold,~~ multiplied by
25 the rate of one hundred fifty-three one-thousandths of 1 percent (0.00153), except the activity of public road
26 construction, defined as a sale at retail or retail sale under Section 6A.30.030, the amount of tax shall be equal
to the gross proceeds of such activity multiplied by the rate set forth in Section 6A.30.050.A.2.

* * *

6A.30.060 ~~Doing business with the City~~

~~Except where such a tax is otherwise levied and collected by the City from such person, there is hereby levied
a tax on the privilege of accepting or executing a contract with the City. Such tax shall be levied and collected
whether goods or services are delivered within or without the City and whether or not such person has an
office or place of business within or without the City.~~

~~Except, effective January 1, 2008, as provided in 6A.30.077 as to such persons the amount of tax shall be
equal to the gross contract price multiplied by the rate under Section 6A.30.050 that would otherwise apply if
the sale or service were taxable pursuant to that section.~~

* * *

6A.30.090 Exemptions.

21 A. Certain fraternal and beneficiary organizations. This chapter shall not apply to fraternal benefit societies or
22 fraternal fire insurance associations as described in Chapter 48 RCW; nor to beneficiary corporations or
23 societies organized under and existing by virtue of Chapter 24 RCW, if such beneficiary corporations or
24 societies provide in their bylaws for the payment of death benefits. This exemption is limited, however, to
25 gross income from premiums, fees, assessments, dues, or other charges directly attributable to the insurance
26 or death benefits provided by such societies, associations, or corporations.

B. Credit unions. This chapter shall not apply to the gross income of credit unions organized under the laws
of this state, any other state, or the United States.

C. Nonprofit health care organization fees. This chapter shall not apply to amounts derived from medical,
nursing, ambulance, hospital, and other appropriate outpatient care as charges and service fees by nonprofit



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health care organizations for the benefit of subscribers where none of such fees and charges inure to the benefit of the organization or any of its employees, provided further that if a nonprofit health care organization's annual gross income, minus any allowed deductions or exemptions as provided in this chapter, exceeds \$30,000,000.00 for any calendar year the deduction shall not apply to the amounts derived from health care organization service fees and charges.

D. Public utilities - Gambling. This chapter shall not apply to the business activity of any person to which tax liability is specifically imposed under the provisions of Chapters 6A.40 (Communications Tax), 6A.50 (Electricity Business and Solid Waste Collection), 6A.60 (Gambling), and 6A.90 (Natural or Manufactured Gas Tax).

* * *

6A.30.100 Deductions.

In computing the license fee or tax, there may be deducted from the measure of tax the following items:

* * *

I. Amounts representing rental of real estate for boarding homesassisted living facilities. In computing tax, there may be deducted from the measure of tax amounts representing the value of the rental of real estate for "boarding homesassisted living facilities." To qualify for the deduction, the boarding homefacility must meet the definition in RCW 18.20 for of "boarding homeassisted living facility" and be licensed by the state of Washington under as required in RCW 18.20. The deduction shall be in the amount of 26 percent of the gross monthly billing when the boarderresident has resided within the boarding homefacility for longer than 30 days.

* * *

6A.30.120 Tax part of overhead.

It is not the intention of this chapter that the taxes or fees herein levied upon persons engaging in business be construed as taxes or fees upon the purchasers or customer, but that such taxes or fees shall be levied upon and collectible from the person engaging in the business activities herein designated, and that such taxes or fees shall constitute a part of the cost of doing business of such persons.



EXHIBIT “C”

**Chapter 6A.40
COMMUNICATIONS TAX**

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Sections:

- ~~6A.40.010 Administrative provisions.~~
- ~~6A.40.020 Exercise of revenue license power.~~
- 6A.40.030 Definitions.
- 6A.40.040 Persons subject to tax.
- 6A.40.050 Tax rate.
- 6A.40.060 Method of payment.
- 6A.40.070 Cellular telephone service deductions.
- 6A.40.080 Allocation of income – Cellular telephone service.
- 6A.40.090 Exemptions.
- 6A.40.100 Overpayment of tax.

~~6A.40.010 Administrative provisions.~~

~~The administrative provisions contained in Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

~~6A.40.020 Exercise of revenue license power.~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City to license and/or tax for revenue the privilege of engaging in business in the City. For the purposes of this chapter, the terms “license” and “tax” shall be synonymous.~~

6A.40.030 Definitions.

In construing the provisions of this chapter, unless otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

* * *

“Network telephone service” means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone service, or providing of telephonic, video, voice, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. Network telephone service includes the provision of electronic transmitting to and from the site of an internet service provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmitting system, without regard to whether such service is referred to as voice over internet protocol services. It also encompasses interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. Network telephone service does not include the providing of competitive telephone service, the providing of cable television service, or the providing of broadcast services by radio or television stations, nor the provision of internet service as defined in RCW 82.04.297, including the reception of dial-in connection provided at the site of the internet service provider.

“Pager service” means service provided by means of an electronic device which has the ability to send or receive voice or digital messages transmitted through the local telephone network via satellite or any other form of voice or data transmission.

“Place of primary use” means the residential street address or the primary business street address of the customer and in both cases must be located within the licensed service area of the home service provider.

“Telephone business” means the business of providing network telephone service as defined in this section. It includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business shall include 100 percent of the toll service fees from calls originating and/or billed to subscribers within the City.



6A.40.040 Persons subject to tax.

A ~~fee or~~ tax as specified herein is hereby levied upon and shall be collected from every person engaging in or carrying on the following business:

Cable service – A ~~fee or~~ tax equal to 8 percent of the gross income from cable service provided to customers ~~residing~~ within the City.

Cellular telephone and/or pager services business – A ~~fee or~~ tax equal to 7.5 percent of the total gross income from cellular telephone or pager services business ~~conducted~~ provided to customers whose place of primary use is within the City, as indicated by billings and/or charges to Tacoma customers.

Competitive telephone service – Competitive telephone service, as hereinabove defined, shall be taxed as a retail sale under TMC 6A.30.

Telephone business – A ~~fee or~~ tax equal to 7.5 percent of the total gross income from telephone business ~~conducted~~ provided to customers within the City, ~~as indicated by billings and/or charges to Tacoma customers.~~

* * *

6A.40.060 Method of payment.

The license ~~fee or~~ tax imposed by this chapter shall be due and payable in monthly installments. ~~Persons~~ Businesses with gross income of less than \$20,000 per month, ~~as indicated by billings or charges to Tacoma customers,~~ may pay the ~~license fee or~~ tax imposed by this chapter in quarterly installments.

* * *

6A.40.080 Allocation of income – Cellular telephone service.

A. ~~Service address. Payments by a customer for the telephone service from telephones without a fixed location shall be allocated among taxing jurisdictions.~~ Gross income from cellular telephone service means that income from customers whose “place of primary use” location of the customer’s principal service address is in the City, during the period for which the tax applies regardless of the location of the facilities used to provide the service.

B. ~~Presumption. There is a presumption that the service~~ “place of primary use address” address shown on a customer supplies to the taxpayer records is current and accurate, unless the taxpayer has actual knowledge to the contrary.

C. ~~Roaming charges. When the service is provided while a subscriber is roaming outside the subscriber’s normal cellular network area, the gross income shall be assigned consistent with the taxpayer’s accounting system to the location of the originating cell site of the call or to the location of the main cellular switching office that switched the call.~~ Roaming charges and cellular telephone charges are assigned to the customer’s place of primary use.

D. ~~Dispute resolution. If there is a dispute between or among the City and another city or cities as to the service address of a customer who is receiving cellular telephone services, and the dispute is not resolved by negotiation among the parties, then the dispute shall be resolved by the City and the other city or cities by submitting the issue for settlement to the Association of Washington Cities (“AWC”). Once taxes on the disputed revenues have been paid to one of the contesting cities, the cellular telephone service company shall have no further liability with respect to additional taxes, penalties, or interest on the disputed revenues so long as it promptly changes its billing records for future revenues to comport with the settlement facilitated by AWC.~~

~~**6A.40.090 Exemptions.**~~

~~Those taxpayers reporting gross income and paying tax under this chapter shall be exempt from the tax authorized under TMC 6A.30.~~

6A.40.100 Overpayment of tax.

If, upon application by a taxpayer for a refund or for an audit of his or her records or upon an examination of the returns or records of any taxpayer, it is determined by the Director that within 2 years immediately preceding the receipt by the Director of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the 2 years immediately preceding the commencement by the Director



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of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of 2 years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his or her option. No refund or credit shall be allowed with respect to any payment made to the Director more than 2 years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said 2-year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the 2-year period may be offset against the amount of any tax deficiency which may be determined by the Director for such preceding period. ~~Interest upon any such refund or credit shall be allowed by the Director at the rate of 3 percent per annum.~~



EXHIBIT "D"

**Chapter 6A.50
ELECTRICITY BUSINESS AND SOLID WASTE COLLECTION**

Sections:

- ~~6A.50.010 Administrative provisions.~~
- ~~6A.50.020 Exercise of revenue license power.~~
- 6A.50.030 Persons subject to tax – Rate.
- 6A.50.040 Definitions.
- 6A.50.050 Method of payment.
- 6A.50.060 Deductions.
- 6A.50.070 Overpayment of tax.

~~**6A.50.010 Administrative provisions.**~~

~~The administrative provisions contained in Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

~~**6A.50.020 Exercise of revenue license power.**~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City to license and/or tax for revenue the privilege of engaging in business in the City. For the purposes of this chapter, the terms "license" and "tax" shall be synonymous.~~

6A.50.030 Persons subject to tax – Rate.

There is hereby levied upon and shall be collected from every person engaging in or carrying on the (1) electricity business, a tax equal to 7.5 percent of the total gross income from such business conducted within the City, ~~as indicated by billings and/or charges to or for Tacoma customers,~~ and on those persons engaged in or carrying on the (2) solid waste collection service, a tax equal to 8 percent of the total gross income from such business conducted within the City, ~~as indicated by billing and/or charges to or for Tacoma customers.~~

Activity	Tax Rate
Electricity Business	7.5%
Solid Waste Service	8%

6A.50.050 Method of payment.

The ~~license fee or~~ tax imposed by this chapter shall be due and payable in monthly installments. Businesses with gross income of less than \$20,000 per month, as indicated by billings and/or charges to or for service to City customers, may pay the ~~license fee or~~ tax imposed by this chapter in quarterly installments.

6A.50.060 Deductions.

A. There may be deducted from the total gross income upon which the ~~license fee or~~ tax is computed revenues derived from business which the City is prohibited from taxing under the constitution or laws of the state of Washington or the United States or the Charter of the City.

B. There may be deducted from the total gross income upon which the ~~license fee or~~ tax is computed the amount of state excise taxes, pursuant to RCW 82.18, imposed directly upon persons using the service of a solid waste collection business and collected for payment to the state by the solid waste collection business.

C. There may be deducted from the total gross income upon which the ~~license fee or~~ tax is computed, the amount of wholesale sales of electricity to Tacoma Power.

D. There may be deducted from the total gross income upon which the ~~license fee or~~ tax is imposed under Section 6A.50.030 revenues derived from providing the service of collecting recyclable materials, as follows:



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1. Commercial recycling: revenues derived from the service of collecting commercial recyclable materials. This exemption is limited to materials actually resold and computed in proportion to weight, as follows:
- a. Any weight added by processing or treatment after collection is subtracted from the weight as sold to obtain the allowable weight as sold; and
 - b. Revenues are multiplied by a fraction, the numerator of which is the allowable weight as sold and the denominator of which is the weight as collected.
2. This deduction does not apply to any energy-recovery or fuel-use process, nor in any case where materials collected have not been sold for commercial reuse within 100 days from the date of collection. This period may be extended when a taxpayer shows to the Department's satisfaction that market conditions necessitate a longer period for sale.

6A.50.070 Overpayment of tax.

If, upon application by a taxpayer for a refund or for an audit of his or her records or upon an examination of the returns or records of any taxpayer, it is determined by the Director that within 2 years immediately preceding the receipt by the Director of the application by the taxpayer for a refund or for any audit, or, in the absence of such an application, within the 2 years immediately preceding the commencement by the Director of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of 2 years shall be credited to the taxpayer's account or shall be refunded to the taxpayer at his or her option. No refund or credit shall be allowed with respect to any payment made to the Director more than 2 years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said 2-year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the 2-year period may be offset against the amount of any tax deficiency which may be determined by the Director for such preceding period. ~~Interest upon any such refund or credit shall be allowed by the Director at the rate of 3 percent per annum.~~



EXHIBIT "E"

**Chapter 6A.60
GAMBLING TAX**

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Sections:

- ~~6A.60.010 Administrative provisions.~~
- ~~6A.60.020 Exercise of revenue license power.~~
- 6A.60.030 Definitions.
- 6A.60.040 Persons subject to tax.
- 6A.60.050 Notification required.
- 6A.60.060 Tax rate on gambling activities.
- 6A.60.070 Distribution of income.
- 6A.60.080 Method of payment.
- 6A.60.090 Deductions.
- 6A.60.100 Exemptions.
- 6A.60.105 Social card games prohibited.
- ~~6A.60.110 Lien.~~

~~**6A.60.010 Administrative provisions.**~~

~~The administrative provisions of Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

~~**6A.60.020 Exercise of revenue license power.**~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City to license for revenue and to tax certain gambling activities pursuant to RCW 9.46, as now or hereafter amended.~~

6A.60.030 Definitions.

For purposes of this chapter, the following definitions shall be applied:

“Amusement game” means a game played for entertainment in which the contestant actively participates, the outcome depends in a material degree upon the skill of the contestant or which meets the requirements of RCW 9.46.0201, as now or hereafter amended.

“Bingo” means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random or which meets the requirements of RCW 9.46.0205, as now or hereafter amended.

“Bona fide charitable or nonprofit organization” shall have the meaning set forth in RCW 9.46.0209, as now or hereafter amended.

“Pull-tabs” means a game in which the participant, on payment of a nominal sum, receives a paper tab from a dispenser which is pulled apart to reveal a designated prize or meets the requirements of RCW 9.46.0273, as now or hereafter amended.

“Punchboard” means a board with many holes filled with rolled-up printed slips to be punched out on payment of a nominal sum in an effort to obtain a slip that entitles the player to a designated prize or meets the requirements of RCW 9.46.0273, as now or hereafter amended.

“Raffle” means a game in which tickets bearing an individual number are sold for not more than \$25 each and in which a prize or prizes are awarded on the basis of a drawing from the tickets sold or which meets the requirements of RCW 9.46.0277, as now or hereafter amended.

“Social card game” means a game that may include a house-banked or a player-funded banked card game or meets the requirements of RCW 9.46.0282, as now or hereafter amended.



* * *

6A.60.050 Notification required.

Any person engaging in or carrying on any gambling activities within the City, including, but not limited to bingo games, raffles, amusement games, social card games, punchboard, or pull-tab activities shall, not less than ten calendar days prior to the commencement of any such activity or activities, file with the Department notification of its intent to conduct such activity or activities. Said notification shall indicate the date, time, and place where such activities will be conducted ~~and, not less than five days after the termination of said activities, or within 30 days after the termination of each single daily session, said person shall report to the Department, in such form as shall be required, all necessary information concerning the gross income realized from the conduct of said activity or activities, together with all necessary information to verify any claimed deductions or exemptions hereunder.~~

* * *

6A.60.080 Method of payment.

The ~~license fee or~~ tax imposed by this chapter shall be due and payable in monthly or quarterly installments on forms approved by the Director and include, when requested by the Director, all necessary information concerning gross income, deductions, and exemptions related to such activities.

6A.60.090 Deductions.

In computing the tax imposed by this chapter, the following items may be deducted from the gross income otherwise subject to the tax:

A. Amounts paid out for prizes or as prizes for amusement games, bingo games, and raffles, whether cash or merchandise, ~~for amusement games, bingo games, and raffles may be deducted from the gross income generated from those activities.~~

6A.60.100 Exemptions.

~~A. Any bona fide charitable or nonprofit organization, including, but not limited to, churches, elementary or secondary public schools, or parent-teacher organizations, conducting or operating gambling activities whose gross income from such activities shall be exempt from the tax imposed under Section 6A.60.060 this chapter.~~

~~B. Any church, elementary or secondary public school, parent teacher organization, or nonprofit hospital holding or sponsoring a bazaar or carnival not more than once each calendar year wherein bingo, raffles, or amusement games are conducted, and such organization would not otherwise fall under the exemptions in subsection A above and shall otherwise be exempt from any further tax under this chapter.~~

6A.60.105 Social card games prohibited.

The operation of or conduct of social card games is prohibited within the City of Tacoma.

~~**6A.60.110 Lien.**~~

~~Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate back and have priority against real and personal property to the same extent as ad valorem taxes.~~

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EXHIBIT "F"

**Chapter 6A.90
NATURAL OR MANUFACTURED GAS TAX**

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Sections:

- ~~6A.90.010 Administrative provisions.~~
- 6A.90.020 Definitions.
- 6A.90.030 Occupations subject to tax – Rate.
- 6A.90.040 Natural or manufactured gas use tax.
- 6A.90.050 Exemptions and deductions.
- 6A.90.060 Monthly payment of tax.
- 6A.90.070 Overpayment of tax.

~~6A.90.010 Administrative provisions.~~

~~The administrative provisions of Chapter 6A.10 shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.~~

~~***~~

6A.90.050 Exemptions and deductions.

In computing tax imposed by this chapter, the following items may be deducted from the gross income. Income excluded or deducted from the measure of tax under this chapter as a result of this section may be taxable under another chapter within Subtitle 6A, as appropriate.

A. There shall be exempted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from business which the City is prohibited from taxing under the constitution or laws of the state of Washington or the United States or the City Charter

B. and a Any retail sales or use taxes collected by the taxpayer from consumers to be remitted to the Washington State Department of Revenue.

C. There shall also be deducted from gross income subject to tax under this chapter income derived from the activities of selling tangible personal property or providing services of a type that can be sold or provided by persons not in the business of transmitting, distributing, or selling natural gas for which a separate charge is made; provided, that income derived from activity incidental to transmitting, distributing, or selling natural gas may not be deducted from gross income subject to the tax under this chapter. Income excluded or deducted from the measure of tax under this chapter as a result of this section may be taxable under another chapter within Subtitle 6A, as appropriate.

Activity incidental to the transmission, distribution, or sale of natural gas” involves service performed in connection with the transmission, distribution, or sale of natural gas for an existing natural gas customer. Incidental service charges include charges such as line extensions, testing, replacing meters, line repairs, line raisings, and meter reading fees, as well as charges for interest or penalties. Incidental activities do not include the sale of appliances.

6A.90.060 Monthly payment of tax.

The ~~license fee or~~ tax required by this chapter is based upon gross income and the taxpayer shall file and pay his or her ~~fee or~~ tax monthly.

6A.90.070 Overpayment of tax.

If, upon application by a taxpayer for a refund or for an audit of his or her records or upon an examination of the returns or records of any taxpayer, it is determined by the Director that within 2 years immediately preceding the receipt by the Director of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the 2 years immediately preceding the commencement by the Director of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of 2 years shall be credited to the taxpayer’s account or shall be refunded to the taxpayer, at his or her option. No refund or credit shall be allowed with respect to any payment made to the Director more than



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2 years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said 2-year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the 2-year period may be offset against the amount of any tax deficiency which may be determined by the Director for such preceding period. ~~Interest upon any such refund or credit shall be allowed by the Director at the rate of 3 percent per annum.~~



EXHIBIT “G”

**Chapter 6B.30
ADULT ENTERTAINMENT**

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Sections:

- 6B.30.010 Definitions.
- 6B.30.020 Findings of fact.
- 6B.30.030 License for establishment required – Fee.
- 6B.30.040 License for managers, entertainers required – Fee.
- 6B.30.050 Licenses for pertaining to picture machine locations required – Fees.
- ~~6B.30.060 Due date for license fees.~~
- 6B.30.070 License applications.
- 6B.30.080 Business hours.
- 6B.30.090 Manager on premises.
- 6B.30.100 Standards of conduct and operation.
- 6B.30.110 Physical layout of premises.
- 6B.30.120 Additional requirements for adult entertainment establishments.
- 6B.30.130 List of entertainments – Fees.
- 6B.30.140 Notice to customers.
- 6B.30.150 Activities not prohibited.
- 6B.30.160 Exemption from chapter.
- ~~6B.30.170 Suspension or revocation.~~

6B.30.010 Definitions.

For the purpose of this chapter, the words and phrases used in this section shall have the following meanings, unless context indicates otherwise:

“Adult entertainment” shall mean any of the following:

1. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activities:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic area, buttocks, or female breast.

“Adult entertainment establishment” shall mean any commercial premises or club to which any patron is invited or admitted and where adult entertainment is provided on a regular basis or is provided as a substantial part of the premises activity. ~~and shall further mean and include “adult motel.”~~

~~“Adult motel” shall mean a hotel, motel, or similar establishment that offers a sleeping room for rent for a period of time less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.~~

“Applicant” shall mean the individual or entity seeking an adult entertainment business.

* * *



6B.30.050 Licenses forpertaining to picture machine locations required – Fees.

It shall be unlawful for any person to display, exhibit, or permit to be displayed or exhibited or exposed maintain, operate, or permit to be operated any picture machine in any restaurant, bar, tavern, or any other public placelocation, or to rent or lease such machines in the City any picture machine without first obtaining a license; ~~as follows:~~

Type of License	Annual Fee
Picture Machine	\$40
Picture Machine Operator	\$400
Picture Machine Location	\$ <u>300</u>

A. ~~Picture machine license. Each picture machine shall have a serial number stamped thereon to identify the same, and the license shall be issued for a particular picture machine only, shall be placed conspicuously on the machine, and shall remain on the machine at all times during the license period. Such license shall not be transferable from one machine to another.~~

B. ~~Picture machine operator’s license. It shall be unlawful for any person to operate the business of renting, leasing, or placing picture machines without first obtaining an Operator’s License from the Finance Department. An operator’s license will be granted only to a person who is a citizen of the United States, of good moral character, and who, in the judgment of the Director, is a fit and proper person to be granted such license.~~

C. ~~Picture machine location license. A location license shall be required for each place of business in which a picture machine is displayed, exhibited, or permitted to be displayed or exhibited or exposed for use by the public.~~

6B.30.060 — ~~Due date for license fees.~~

A. ~~The license fees for establishments required by this chapter are due and payable to the Finance Department at least two weeks before the opening of the adult entertainment establishment.~~

B. ~~The license fees for managers, entertainers, and picture machines required by this chapter are due and payable to the Finance Department before the beginning of such entertainment, or beginning employment, or first use of the picture machine, as applicable.~~

* * *

6B.30.170 — ~~Suspension or revocation.~~

A. ~~In addition to the grounds for suspension or revocation set out in Section 6B.10.140, the Department may suspend or revoke any license issued under this chapter if the licensee is convicted of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises, or the conviction of any of the licensee’s servants, agents, or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the licensed premises when the licensee knew or should have known of the violations committed by the licensee’s servants, agents, or employees.~~

B. ~~Where the Department of Public Works, Fire Chief, or the Tacoma Pierce County Health Department find that any condition exists upon the premises of an adult entertainment establishment which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter, pending a hearing in accordance with Section 6B.10.140. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee and the Finance Department of the right to appeal the suspension to the Hearing Examiner under the same appeal provision set forth in Section 6B.10.140; provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.~~



EXHIBIT "H"

**Chapter 6B.40
ALARM DEVICES**

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Sections:

- 6B.40.010 Purpose.
- ~~6B.40.020 Exercise of regulatory police power and revenue license power.~~
- 6B.40.030 Licenses required.
- 6B.40.040 Definitions.
- ~~6B.40.050 Alarm system operator (monitoring company) license.~~
- ~~6B.40.060 Monitored alarm device license.~~
- ~~6B.40.070 Duty of licensee.~~
- 6B.40.080 Regulations.
- ~~6B.40.090 Certain devices, systems, uses pProhibited alarm systems.~~
- ~~6B.40.100 Suspension or revocation.~~
- 6B.40.110 False alarm response fee.
- 6B.40.120 Fees.
- 6B.40.130 ~~Term of license~~ Due date List of monitored alarm devices.
- 6B.40.1450 Duty to supply ordinances and information to system subscribers.
- ~~6B.40.150 Public disclosure Confidentiality Information sharing.~~

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~~**6B.40.020 Exercise of regulatory police power and revenue license power.**~~

~~A. The provisions of this chapter shall be deemed an exercise of the City's police power to promote the health, safety, and welfare of the general public, and are not intended to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially affected by the terms of this chapter. This chapter neither imposes nor creates duties on the part of the City or any of its departments, and the obligation of complying with the requirements of this chapter, and any liability for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, or maintaining monitored alarm systems.~~

~~B. To the extent that the City may not exercise regulatory power with respect to the licensing requirements of this chapter, the provisions of this chapter pertaining to licensing shall be deemed an exercise of the power of the City to license for revenue the privilege of engaging in business in the City.~~

6B.40.030 Licenses required.

A. ~~It shall be unlawful for any person to connect to a monitored alarm system in the City or to monitor such an alarm system, directly or indirectly, via telephone, cable, wire, wireless, video, electronic, or other form of connection to or by any outside entity or source without first having obtained a license or licenses required by this chapter.~~ Monitored Alarm Device. Monitored alarm device licenses shall be required for any alarm system operator renting, leasing, installing, placing, subscribing, contracting, subcontracting, or otherwise arranging to monitor an alarm device within the City limits. Each monitored alarm device license shall be issued for a particular device and shall not be transferable from one monitored alarm device to another; from one person to another; or from one premise, building, dwelling, or residence to another.

B. Transfer of monitored alarm device to another alarm system operator. If an alarm system operator or system subscriber transfers, assigns, or subcontracts monitoring services for a validly licensed alarm device to another alarm system operator, the existing valid monitored alarm device license shall remain in full force and effect for the remainder of the calendar year in which it was issued. An alarm system operator who assumes responsibility for monitoring an alarm device that has already been licensed for that year must report all such transfers in its annual report on a form required by the Director. The transfer information shall include, at a minimum, the name of the alarm system operator under which the device was previously licensed, the name of the alarm system operator assuming responsibility for the alarm, the address where the device is installed, and the name of the system subscriber.



1 C. Alarm System Operator. An alarm system operator license shall be required for any person to be or
 2 become or operate or provide an alarm monitoring service within the jurisdictional limits of the City. This
 3 includes any person who monitors alarm devices installed in the jurisdictional limits of the City even if such
 4 monitoring is conducted from a location outside the City limits. Such license shall be valid for the calendar
 5 year in which it is issued and is not transferable.

6 B. It shall be unlawful for any person to permit to be used or operate any monitored alarm system in the City
 7 that is connected by means of telephone, cable, wire, wireless, video, electronic, or other form of connection
 8 to any outside entity or source that is not licensed or is not monitored by a person licensed pursuant to this
 9 chapter.

10 C. The licenses required pursuant to this chapter are separate from and in addition to any licenses required by
 11 any other chapter of the TMC including, but not limited to, those required pursuant to Chapter 6A.10, General
 12 Tax Provisions; Chapter 6B.10, General License Provisions; and Chapter 6B.20, Annual Business License.

13 D. It shall be unlawful for any person to avoid any of the licensing requirements of this chapter by
 14 subcontracting for monitoring services or making any other contractual or business arrangement that has the
 15 effect of avoiding the requirements of this chapter.

16 **6B.40.040 Definitions.**

17 Unless the context or subject matter otherwise requires, tTerms defined herein shall have the following
 18 meanings when used in this chapter:

19 “Alarm system” or “alarm device” means any system, device, or mechanism which, when activated, transmits
 20 a telephonic, wireless, electronic, video, or other form of message or communication to an alarm system
 21 monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by
 22 persons outside the protected premises, or transmits a signal beyond the premises in some other fashion,
 23 except any system, device, or mechanism primarily protecting a motor vehicle. An alarm system or alarm
 24 device may consist of one or more components (e.g. motion detector, window breach detector, or similar
 25 components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm
 26 system monitoring company via telephonic, wireless, electronic, video, or other form of message. All alarm
systems are included within the definition of “alarm system”; e.g. any burglary, intrusion, panic, premises,
property, robbery, or other type of alarm device.

“Alarm system monitoring company” or “alarm system operator” means any person, individual, partnership,
 corporation, or other form of association that engages in the business of monitoring intrusion, property,
burglary, robbery, panic alarms, or other alarm systems located in the City. This includes alarm system
 monitoring companies and alarm system operators that are located outside the City limits and which monitor
 alarms installed within the City limits.

“Alarm system user” means the person having or maintaining a property, intrusion, burglary, robbery, panic,
or other alarm system. It means only a subscriber when the system is connected to an alarm system
monitoring company.

“Burglary alarm system” has the same meaning as “property alarm” below.

“Chief of Police” means the Chief of the Tacoma Police Department, or his or her designee.

“False alarm” means the reporting of the activation of any monitored alarm system where police units
 dispatched to the location determine that there is no evidence of a crime or other activity on the premises that
 would warrant a call for immediate police assistance or investigation. An alarm shall be presumed to be false
 if responding City personnel do not locate evidence of intrusion, commission of an unlawful act, or
 emergency on the premises that might have caused the alarm to sound. If earthquakes, hurricanes, tornadoes,
 or other acts of God set off a large number of alarms, a police supervisor may determine that no responses
 will be made to such alarms during the pendency of such event. No false alarm fees will be assessed during
the time period for which no response is made as determined by the police supervisor.

“Fire alarm” means a signal initiated by a device such as a manual fire alarm box, automatic fire detector,
 waterflow switch, smoke detector, or other device which, when activated, is indicative of the presence of a
 fire or fire signature. All fire alarms shall be exempt from the provisions of this chapter.

“Monitored alarm system” means any system, device, or mechanism which, when activated, transmits a
 telephonic, wireless, electronic, video, or other form of message or communication to a private monitoring



company, other number, or person who can then notify police that an alarm has been activated. This includes all systems which transmit telephonic, wireless, electronic, video, or other form of message or communication from an alarm installed within the City limits to any location outside the City (e.g., an alarm monitoring center located in a state other than Washington). All alarms that are monitored, except fire alarms, are included within the definition of “monitored alarm system”; e.g., any monitored burglary, intrusion, panic, premises, property, robbery, or other type of alarm device.

“Panic alarm” has the same meaning as “robbery alarm” below.

“Permittee” means any person required to be licensed under this chapter.

“Police Department” or “police” means the Tacoma Police Department.

“Premises” means any area and any portion of any area protected by an alarm system.

“Property alarm,” “intrusion alarm,” or “burglary alarm” means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques and, when activated, transmits a telephonic, wireless, electronic, video, or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

“Residence” means a building or structure, or portion thereof, designed to be used as a place of abode for human beings and which is not used for any other primary purpose. The term includes all dwelling units within the definition of a “residential use.”

“Robbery alarm” or “panic alarm” means any system, device, or mechanism activated by an individual on or near the premises to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the “protected premises”);
2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
3. It transmits a telephonic, wireless, electronic, video, or other form of message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the protected premises; and
4. It is intended to summon police assistance to the premises.

“System subscriber” means any person, corporation, or other business entity that purchased, contracted for, or has had any alarm system installed in or on premises owned or controlled by them.

6B.40.050 — Alarm system operator (monitoring company) license.

An alarm system operator license shall be required for any person to be or become or operate or provide an alarm monitoring service within the jurisdictional limits of the City. This includes any person who monitors alarm devices installed in the jurisdictional limits of the City even if such monitoring is conducted from a location outside the City limits (e.g., an alarm monitoring center in another state). Such license shall be valid for the calendar year in which it is issued and is not transferable.

6B.40.060 — Monitored alarm device license.

A. Monitored alarm device licenses shall be required for any alarm system operator renting, leasing, installing, placing, subscribing, contracting, subcontracting, or otherwise arranging to monitor an alarm device within the City limits. Each monitored alarm device license shall be issued for a particular device and shall not be transferable from one monitored alarm device to another; from one person to another; or from one premise, building, dwelling, or residence to another. A monitored alarm device license is valid only for the calendar year in which it is issued. If an alarm system operator or subscriber transfers, assigns, or subcontracts monitoring services for a validly licensed alarm device to another alarm system operator, the existing valid license shall remain in full force and effect for the remainder of the calendar year in which it was issued. An alarm system operator who assumes responsibility for monitoring an alarm device that has already been licensed for that year must report all such transfers in its quarterly report. The alarm system operator shall provide the transfer information in the form required by the Director (e.g., Excel spreadsheet). The transfer information shall include, at a minimum, the name of the alarm system operator under which the



device was previously licensed, the name of the alarm system operator assuming responsibility for the alarm, the address where the device is installed, and the name of the subscriber.

B. Alarm system operators shall update quarterly, in the form required by the Director (e.g., Excel spreadsheet), a list of all alarm devices monitored by them within the jurisdictional limits of the City. Such list shall include the information required by the Director which, at a minimum, shall include the address where the alarm is installed, the name of the subscriber, the type of alarm, and the number of alarm devices.

6B.40.070 — Duty of licensee.

A. It shall be the duty of all licensees granted licenses under this chapter to comply with all applicable regulations in this chapter or elsewhere, and the failure of any licensee so to do shall constitute, but shall not be exclusive grounds for, suspension or revocation of any license and shall constitute a violation of this chapter.

B. It shall be the duty of all licensees granted licenses under this chapter not to have in their employ or financially interested in the business to be conducted any person who has had his or her license revoked or suspended by the City within one year from the date of such revocation.

C. It shall be the duty of any person engaged in or representing himself or herself as being engaged in an alarm monitoring business in the City, whether it be for selling, leasing, renting, servicing, inspecting, installing, maintaining, repairing, or monitoring alarms, to obtain all licenses required by this or any other chapter including those required pursuant to Chapter 6B.10, General License Provisions; and Chapter 6B.20, Annual Business License.

6B.40.080 Regulations.

A. All monitored alarm systems and alarm system operators shall comply with the regulations set forth in this chapter.

B. Fees shall be assessed for all responses to false monitored alarms.

C. No fee shall be assessed for a police response to the report of an audible or visual alarm.

D. Mandatory enhanced call verification: All alarm system operators or alarm system monitoring companies must make a minimum of two calls to attempt to verify an alarm prior to requesting a police response. The first call shall be to the premise protected by the activated alarm. The second call shall be to a separate off-site number such as the mobile telephone of the owner or manager of the property.

6B.40.090 ~~Certain devices, systems, uses p~~Prohibited alarm systems.

A. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within ten minutes.

B. No person shall operate or use an alarm system which automatically dials the Tacoma Police Department directly and delivers a prerecorded message.

C. No person shall install, monitor, operate, or use a monitored alarm system which is not licensed as required pursuant to this chapter. Any person who fails to obtain the license or licenses required by this chapter shall be subject to the penalty provisions herein. Further, no police response may be made to any alarm devices monitored by a non-licensed person. Non-licensed persons shall be solely liable to their system subscribers for failure to obtain any license required by this chapter and shall have an affirmative duty to notify their system subscribers of their non-licensed status and the resultant potential for no police response.

D. All monitored alarm systems subject to this chapter that are installed in the City on or after January 1, 2005, shall use alarm control panels that meet industry standard CP-01-UL listing.

6B.40.100 — Suspension or revocation.

The Director shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter as set forth in Section 6B.10.140. The Director shall notify the licensee in writing, by ordinary mail, of the suspension or revocation of the license and the grounds therefor. Any license issued or application therefor under this chapter may be denied, suspended, or revoked based upon one or more of the grounds set forth in Section 6B.10.140 and/or any violation of this chapter. The Director shall also immediately notify the Police Department of the revocation, and no police response may be made to any alarm devices monitored by the alarm system operator until all suspended or revoked licenses are reinstated.



~~No suspended or revoked license may be reinstated without prior payment of all license and alarm response fees due and outstanding.~~

6B.40.110 False alarm response fee.

A. Alarm system operators shall be assessed a false alarm response fee for each police response to a false monitored alarm which is registered to the alarm system operator.

~~B. No fee shall be assessed if the responding units are canceled prior to arrival at the scene.~~

6B.40.120 Fees.

The license fees ~~for the various classes of licenses shall be and~~ are hereby fixed as follows:

Alarm System Operator License	Fee
For one to 100 devices	\$100 per annum
For 101 to 200 devices	\$200 per annum
For 201 to 500 devices	\$400 per annum
For 501 or more devices	\$500 per annum

Monitored Alarm Device Monitored Alarm Device License	\$40 per device Fee
Alarm devices annual	\$40 per device
Alarm devices installed January 1 to March 31	\$30 per device
Alarm devices installed April 1 to June 30	\$20 per device
Alarm devices installed July 1 to September 30	\$10 per device
False alarm service fee	\$100 per occurrence

6B.40.130 ~~Term of license—Due date.~~List of monitored alarm devices.

~~A. Device license fees. The fees for monitored alarm devices shall be payable in advance by the alarm system operator on an annual basis with quarterly adjustments for additional devices.~~

~~1. The initial device license fees shall be payable on or before January 31 of the annual period for which fees are due. At the time of payment of the annual fee, each alarm system operators shall provide with their annual monitored alarm license fees, in the format specified by the Director (e.g. an Excel spreadsheet), a list of all addresses at which monitored alarms are installed, and the name of the corresponding system subscriber, and the number of devices at such address.~~

~~2. Each alarm system operator shall provide quarterly, in the format specified by the Director (e.g. an Excel spreadsheet), a list of all additional addresses at which monitored alarms were installed during such quarter, the name of the corresponding subscriber, and the number of devices at such address. The Director shall assess each alarm system operator for each additional device and such assessment shall be due and payable no later than the last day of the month following the end of the quarter.~~

~~B. False alarm service fees. The false alarm service fees imposed by this chapter shall be due and payable within 60 days of the date they are billed to the alarm system operator, and remittance shall be made on or before such date.~~

6B.40.150 Duty to supply ordinances and information to system subscribers.

A. All persons licensed pursuant to this chapter shall supply each of their system subscribers with copies of all current ordinances pertaining to alarms and a copy of the licensee's policies and practices with respect to billing a system subscriber for any fees or licenses established by this or any other chapter of the TMC.



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B. All persons licensed pursuant to this chapter shall notify each of their system subscribers of the revocation or suspension of any license issued by the City. The notice shall be in writing and shall be mailed to all system subscribers no later than the tenth calendar day following such suspension or revocation.

C. Failure to comply with the notice requirements set forth herein shall constitute separate and independent grounds for imposition of penalties as provided ~~in 6B.10 herein and for suspension and revocation of any license(s) issued by the City.~~

~~**6B.40.160 — Public disclosure — Confidentiality — Information sharing.**~~

~~All requests for public disclosure or for information shall be governed by Section 6A.10.200. In addition to the provisions of Section 6A.10.200, information and statistics gathered by the Tacoma Police Department and/or the Law Enforcement Support Agency pertaining to calls for service and responses to alarms may be made available to the Department and other City departments, as necessary, to fully carry out the purposes of this chapter.~~



EXHIBIT "I"

**Chapter 6B.90
FIRE ALARMS AND FIRE SUPPRESSION SYSTEMS**

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6B.90.030 License fees.

The license fees shall be as set forth below; provided, however, that no such license fee shall be charged any person engaged in general merchandising or retailing at a fixed location with the sale of fire detection or fire alarm devices and equipment being but incidental to that business.

<u>Fire Protection License Fee</u>	<u>Fee \$ 90</u>
<u>First Year Fee</u>	<u>\$150</u>
<u>Subsequent annual fee</u>	<u>\$ 90</u>

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EXHIBIT “J”

**Chapter 6B.110
GARAGES, FUEL STATIONS, AND MARINE REPAIR FACILITIES**

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6B.110.010 License required.

It shall be unlawful for any person to operate or engage in the business of operating a garage as defined in this chapter without first obtaining a license pursuant to the provisions of this chapter. Any person holding a garage license issued pursuant to this chapter shall be entitled to engage in the business of repairing, or restoring, ~~or towing~~ automotive vehicles or marine vessels and of selling automotive and/or marine vessel parts and accessories, provided that such licensee complies with any additional federal or state statutes, or local ordinances that may apply.

6B.110.020 Definitions.

For the purposes of this chapter, words and phrases shall mean as follows:

“Automotive and/or marine vessel parts store” means any facility or place of business whose primary purpose is the sale of new or used parts, accessories, tires, equipment, and similar products typically utilized in the maintenance or repair of motor vehicles, trailers, or marine vessels.

“Garage” means a service station, repair garage, storage garage/parking lot, vehicle part recycling facility, automotive and/or marine vessel parts store, or mobile garage as defined herein.

* * *

6B.110.030 License fees.

The annual license fees for garages shall be payable in advance and are hereby fixed in the amounts shown in the following schedule:

Type of license	Fees
Automotive and/or marine vessel parts store	\$ 50
Fuel pump, per nozzle	\$ 5
Mobile garage	\$ 50
Repair garage	\$100
Service station	\$ 100
Storage garage and parking lots	\$ 50
Vehicle part recycling facility	\$100

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EXHIBIT “K”

**Chapter 6B.120
GAS FITTERS AND APPLIANCE INSTALLERS**

Sections:

- ~~6B.120.010 Definition.~~
- ~~6B.120.020 Fees.~~
- ~~6B.120.030 Exemptions.~~
- ~~6B.120.040 Experience required.~~
- ~~6B.120.050 Gas Fitters and Appliance Installers’ Examining Board.~~
- ~~6B.120.060 Examinations.~~
- ~~6B.120.070 Expiration of certificate.~~

6B.120.010 Definition.

The term “Gas Fitter and Appliance Installer” means any person who actually performs the labor required in installing, extending, altering or repairing any gas piping, venting, fixture, or appliance, and who is the holder of a valid Certificate of Competency issued pursuant to the provisions of this chapter.

6B.120.020 Fees.

The Certificate of Competency and exam fees are hereby fixed as follows:

	Fees
Certificate of Competency	\$50 per year
Exam	\$20

6B.120.030 Exemptions.

A Gas Fitter and Appliance Installer’s Certificate of Competency shall not be required of those persons engaged exclusively in the laying of gas mains in the public streets or alleys, nor shall such a certificate be required of the owner of a single family dwelling doing his or her own work in his or her own home. Such owner must be able to demonstrate to the inspector that he has sufficient knowledge to properly make the installation desired.

6B.120.040 Experience required.

A. All applicants for a Gas Fitter and Appliance Installer’s Certificate of Competency shall be familiar with all codes, ordinances, and regulations governing the installation of gas piping, venting, fixtures, or appliances, and shall possess at least one of the following qualifications:

1. Proof of a reasonable amount of experience acquired on installations which have been approved by a recognized authority.
2. Certificate indicating satisfactory completion of a course in gas fitting and/or appliance installing from a recognized vocational or technical school.

B. The Examining Board shall determine the sufficiency of the experience or education of the applicant.

6B.120.050 Gas Fitters and Appliance Installers’ Examining Board.

There is hereby created an Examining Board for Gas Fitters and Appliance Installers consisting of the Public Works Director, or his or her duly authorized representative, as an ex officio member, who shall not be entitled to a vote; two licensed gas installation contractors, one of whom shall be principally engaged in piping work and one of whom shall be principally engaged in sheet metal work; and two certificated Gas Fitters and Appliance Installers, one of whom shall be principally engaged in piping work and one of whom shall be principally engaged in sheet metal work, all of whom are to be appointed by the City Manager and shall serve without compensation. The term of office for each shall be four years; provided, however, that in appointing the first Board, one gas installation contractor and one gasfitter shall be appointed to two year terms. Such members shall be selected from persons qualified by training and experience to pass upon matters



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pertaining to this chapter. In the event of the death, resignation, or removal of any member of the Board, his or her successor to serve his or her unexpired term shall be appointed. The Board shall adopt its own rules or procedures to fulfill its functions under this chapter. Said Board shall select its own chairman, and a majority of the members shall constitute a quorum. The Chief of the Buildings Division, or his or her duly authorized representative, shall serve as Secretary to the Board.

6B.120.060 Examinations.

It shall be unlawful for any person to engage in or work as a Gas Fitter and Appliance Installer or to install, extend, alter, or repair any gas piping, venting, fixture, or appliance in any building or elsewhere without first making application to the Examining Board hereinabove provided for, and at such time and place as said Board may designate, submitting to and passing an examination as to his or her qualifications and competency as a Gas Fitter and Appliance Installer.

The examination shall be of such character, both practical and theoretical, as to thoroughly test the applicant's ability and competency as a Gas Fitter and Appliance Installer.

The Examining Board shall conduct examinations from time to time, but no applicant shall be compelled to wait more than 60 days following his or her application. Said Board shall examine such applicant as to his or her knowledge of gas piping, installation, and venting of fixtures and appliances, necessary safety controls, and the overall safety precautions necessary in the installation of gas.

The Board, if satisfied with the competency of such applicant, shall thereupon authorize the issuance to the applicant of a Gas Fitter and Appliance Installer's Certificate of Competency, authorizing him or her to engage in the work of installing, extending, altering, or repairing gas piping, venting, fixtures or appliances as an artisan or journeyman Gas Fitter and Appliance Installer. Temporary working permits may be issued to an applicant by the Chief of the Buildings Division until such time as the Examining Board meets and completes the examination. The Board shall keep and preserve a record of all persons examined by it and to whom such Certificates of Competency have been issued.

6B.120.070 Expiration of certificate.

The Certificate of Competency of any Gas Fitter and Appliance Installer shall not be renewed without examination when allowed to become delinquent for more than one year. All such Certificates of Competency shall run for the calendar year and shall expire on December 31 of each year.



EXHIBIT "L"

**Chapter 6B.150
OIL AND GAS DELIVERY VEHICLES**

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Sections:

6B.150.010 License required.

6B.150.015 Definitions.

6B.150.020 License fees.

6B.150.030 License requirements.

6B.150.040 Term and due date.

6B.150.010 License required.

It shall be unlawful to operate any oil and gas tank vehicle used in the delivery of oil, gasoline, fuel oil, and all other liquid petroleum products in the City without first obtaining a license pursuant to the provisions of this chapter.

6B.150.015 Definitions.

"Mobile/fleet fueling truck" means "oil and gas tank vehicle."

"Oil and gas tank vehicle" means any commercial motor vehicle such as a trailer truck or tractor-trailer with a tank-body that is designed to transport liquid or gaseous materials within a tank as defined in the Code of Federal Regulations Title 49, now and as hereafter amended.

6B.150.020 License fees.

The annual license fees for an oil and gas tank vehicles ~~delivering oil, gasoline, fuel oil, and other petroleum products~~ is/are hereby fixed as follows:

Tanker truck Oil and Gas Tank Vehicle	\$100
Tanker trailer	\$75
Mobile/fleet fueling truck	\$100

6B.150.030 License requirements.

In lieu of ~~the a~~ Fire Department inspection, the City will validate that current U.S. Department of Transportation ("DOT") inspections that are required by federal law have been completed. All applicants for the license provided by this chapter, including renewal licenses, shall furnish a notarized affidavit that the following requirements have been met: (1) the appropriate annual cargo tanker inspection required by 49CFR180.407; (2) an annual vehicle inspection complying with 49 CFR 396; (3) any inspection or other federal requirement to qualify a cargo tank for hauling gasoline 40 CFR 63.425(E)(1) and(2); (4) that all inspections were performed by a DOT registered tanker inspection facility; and (5) that all required inspections ~~must~~ have been completed within the last year. This will validate that safety features for the cargo tank are appropriate and functioning and that the safety features of the truck itself ~~have been found~~ are in compliance with federal standards.

* * *



EXHIBIT "M"

Chapter 6B.160 PAWNBROKERS, SECONDHAND DEALERS, AND GARAGE SALES

* * *

6B.160.020 Definitions.

"Continuous garage sale" means a garage sale that is (1) conducted for more than three consecutive days; or (2) a third or more garage sale that commences within the same calendar year as the two most recent garage sales conducted at the same premises; provided, however, that such third or more garage sale is conducted by a resident or residents of the same household that conducted the prior two most recent garage sales from such premises. Continuous garage sales are not allowed.

"Garage sale" means the offering for sale by a resident or residents of a dwelling of five or more items of used clothing, furniture, home appliances, or merchandise generally used in a dwelling, which have been used by the resident or residents offering such items for sale. No such items can be sold that are owned or controlled by anyone regularly engaging in the business of selling such items. Sales are only allowed by a resident of the dwelling of the resident or residents offering the items for sale; provided that residents of separate dwelling units may combine their garage sales at the premises of one dwelling unit for a combined garage sale. Garage sales can only be conducted between the hours of 8:00 a.m. and 6 p.m. Included in the definition of garage sales are yard sales, patio sales, or other similar sales. Garage sales are limited to twice in any calendar year.

"Pawnbroker," means every person engaged, in whole or in part, in the business of loaning money on the security pledges, deposits, or conditional sales of personal property, or who makes a public display at or near his or her place of business of any sign or symbol generally used by pawnbrokers, or of any sign indicating that he or she has money to loan on personal property on deposit or pledge.

"Precious metals" means gold, silver, and platinum.

"Secondhand goods" means any item of personal property, which is not new, that is purchased, traded in, or offered for sale, to include gift cards or gift certificates.

"Secondhand goods dealer" means any person engaged, in whole or in part, in the business of buying, selling, trading, consignment selling, or otherwise transferring for value secondhand goods. The term "secondhand goods" for purposes of transactions by a secondhand goods dealer, do not include: (a) goods donated to charitable organizations, (b) coins, (c) stamps, (d) postcards, (e) books and magazines, (f) or any article of clothing. "Secondhand goods dealer" shall include "secondhand precious metal dealer" as defined in this section.

"Secondhand precious metal dealer" means any person engaged in whole or in part in the business of buying, selling, trading, consignment selling, or otherwise transferring for value secondhand goods that is a precious metal. The terms "precious metal" and "secondhand goods" for purposes of transactions by a secondhand precious metal dealer, do not include: (a) Gold, silver, or platinum coins, or other precious metal coins, that are legal tender, or precious metal coins that have numismatic or precious metal value, (b) gold, silver, platinum, or other precious metal bullion, or (c) gold, silver, platinum, or other precious metal dust, flakes, or nuggets.

"Temporary" means the organized sale or purchase of secondhand goods for ten consecutive days or less.

"Trade-ins" means those secondhand goods received or sold that are taken in trade or as partial payment by the licensee in exchange for goods of a similar kind.



EXHIBIT "N"

**Chapter 6B.170
SALES – DOOR-TO-DOOR SOLICITING**

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6B.170.060 Criminal Background Check/Fingerprints/Photographs.

All applicants for a solicitor’s license must consent to be fingerprinted for a state and federal criminal background check and shall submit, with his or her application, ~~one~~ two current full face photographs of the applicant ~~or consent to a full face photograph taken by the Director. and one current right profile photograph of the applicant, each of said photographs to be of the size of two inches square. One full face and one right profile photograph shall become a part of the applicant's license, if issued; and the other full face photograph shall be filed with the application.~~ Applicants previously licensed and fingerprinted under Chapter 6B.170 may be required to again be fingerprinted if reapplication is not received within five years of initial licensing.

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EXHIBIT “O”

**Chapter 6B.180
SALES – SIDEWALK VENDORS**

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Sections:

- 6B.180.010 Purpose.
- 6B.180.020 License required.
- 6B.180.030 Definitions.
- 6B.180.040 Application requirements.
- 6B.180.050 Fees.
- 6B.180.060 Issuance.
- ~~6B.180.070 Term of license.~~
- 6B.180.075 Tollefson Plaza.
- ~~6B.180.080 Change in vending.~~
- 6B.180.090 No transfer.
- 6B.180.100 Location ~~review~~.
- 6B.180.110 Restrictions.
- 6B.180.120 License or location revocation or denial.

6B.180.010 Purpose.

The purpose of this chapter is to provide for regulation of long-term sidewalk vending activities in ~~certain~~ commercially zoned districts ~~as defined in Section 6B.180.030~~, in order to more fully promote the public interest by contributing to an active and attractive pedestrian environment. In recognition thereof, reasonable regulation of ~~street and~~ sidewalk vending is necessary in public ways to protect the public health, safety, and welfare and the interests of the City ~~in the primary use of public streets and sidewalks for use by vehicular and pedestrian traffic.~~

* * *

6B.180.030 Definitions.

“Arts and crafts” means items for sale that are of original creation, designed and produced by the original creator. No copies are permitted except for prints of original art work produced by the original creator. Items made from kits, imported items, factory-made items, unfinished work, arts and crafts supplies, and manufactured or kit jewelry are not allowed. Arts and crafts items may only be sold by the original creator or his or her authorized agent.

“Authorized agent” means a designated person or persons selling original creations on behalf of the person that created the art or craft. The art and craft must remain the property of the original creator. No person can sell arts and crafts which have been purchased from the original creator.

~~“Commercially zoned district” means abutting private or public property which is presently or hereafter zoned M 1, M 2, PMI C 1, C 2, HM, UCX, UCX TD, CCX, NCX, CIX, HMX, T, DCC, DMU, DR, WR, S 1, S 6, or S 8 pursuant to Title 13 — Land Use Regulatory Code of the TMC. No provision of this chapter or license issued hereunder shall be construed to allow any activity prohibited by the applicable regulations of the Tacoma Municipal Code.~~

“Public ways” means and includes all portions of streets and alleys within the corporate limits of the City and, in addition, such other property under the control of the City which the City Council may from time to time designate as public ways for the express purpose of allowing vending thereon, with any vending in such areas so designated by City Council resolution to be subject to such additional or different requirements as may be provided by the resolution (or amendment thereto) designating such area as a public way. No provision of this chapter shall be construed to allow vending (by license or otherwise) in any portion of (1) a public way primarily used by motorized vehicles; (2) in areas, trails, or paths set aside or designated by the City as bike paths or nature trails, or (3) any public way or part thereof which the City Council, by resolution, shall designate as being inappropriate for vending activities.



1 “Sidewalk vending unit” means a mobile unit that can be removed from the ~~streets~~sidewalk each night and is
2 operated from a fixed location on a public way from which food, flowers and plants, and “arts and crafts,” as
3 defined in this chapter, and/or non-alcoholic beverages are provided for the public with or without charge;
4 except, however, that the provisions of this chapter shall not apply to mobile caterers, generally defined as
5 follows: a person engaged in the business of transporting, in motor vehicles, food and beverages to
6 residential, business, and industrial establishments pursuant to prearranged schedules, and dispensing from
7 the vehicles the items, at retail, for convenience of the personnel of such establishments.

8 “Vending” means the sale of food, flowers and plants, and “arts and crafts,” as defined in this chapter, and/or
9 non-alcoholic beverages only from a sidewalk vending unit upon public ways of the City.

10 “Vendor” means a person who engages in the activity of sidewalk vending.

11 **6B.180.040 Application requirements.**

12 Application for a license shall be filed with the Department on forms deemed appropriate by the Director.
13 Such application shall contain all the information requested below, along with the current fee, to qualify apply
14 for the license. A decision to issue a license is based on this information, other applicable ordinances, and
15 other requirements as may be set forth herein.

16 The applicant must satisfy the following requirements before a sidewalk vending license can be issued:

17 A. Submit the name and home and business addresses of the applicant, and the name and address of the
18 owner, if other than the applicant, of the vending business or sidewalk vending unit to be used in the
19 operation of the sidewalk vending business.

20 B. Submit a copy of the adjacent property owner and business owner’s written approval for the sidewalk
21 vending site(s). Written approval from a legal representative of the above party may be substituted.

22 C. If selling only nonfood items and no approval is required from the Tacoma-Pierce County Health
23 Department, as outlined in subsection G below, submit an accurate diagram of the mobile unit. Include
24 dimensions (length, width, and height). Show location of overhead coverage, if provided.

25 D. If selling arts and crafts, submit a signed arts and crafts certification, as provided by the City.

26 E. Submit the address of the location or locations the sidewalk vending unit will operate along with an
accurate drawing which shows the public area to be used. Each applicant may request up to two locations. If
two locations are requested and the sidewalk vending unit will be traveling from one location to another
location throughout the day, then a route path between the two locations must be submitted along with the
application.

F. Obtain comprehensive general liability, including products/completed operations liability insurance,
naming the City of Tacoma and the adjacent property owner as additional insureds for both ongoing and
completed operations. Minimum liability to be maintained is \$5,000,000 public liability and property
damage. If the applicant hires employees, the applicant shall maintain Statutory Work Compensation and also
Employers Liability with limits not less than \$1,000,000. The applicant shall submit a certificate of insurance
and copies of the additional insured endorsement(s) to the Department.

G. ~~Vendors of food and beverages shall e~~Comply with the inspection provisions and standards for mobile
food units, as set forth in WAC 246-215-~~121~~ and any amendments thereto. To demonstrate compliance with
these requirements, the applicant shall obtain plan check approval from the Tacoma-Pierce County Health
Department and submit a copy of the Mobile Unit Permit to the City.

H. All sidewalk vending units in which food or beverage preparation occurs are subject to inspection by the
Tacoma Fire Department to assure compliance with TMC 3.02, Fire Prevention Code, including, but not
limited to, compliance of any cooking or heating apparatus and fire extinguisher requirements, with the
following provisions:

1. ~~Deep fat, oil, or grease cooking processes employing more than one quart of heated liquid shall be~~
~~protected by an approved automatic fire extinguishing system. Processes involving heated fat, oil, grease, or~~
~~liquids other than water shall be shielded from the public.~~

2. ~~Liquid Petroleum Gas (LPG) containers are allowed but shall be limited to no more than five gallons~~
~~capacity, and no more than one container per cart or vendor display. Processes requiring other flammable~~
~~gases, liquid, or solid fuels shall not be permitted, unless first approved by the Fire Department.~~



3. ~~Storage of extra fuel is prohibited in the area of vending, or in any buildings, except as permitted by the Fire Department.~~

4. ~~Pressure cooking appliances shall be prohibited.~~

5. ~~A 40B:C or five pound Class K fire extinguisher is required in all vending carts.~~

6B.180.050 Fees.

The fees for sidewalk vending are hereby fixed as follows:

Description	Fees
Initial application fee	\$100
Annual license fee	\$ 50
Sidewalk V vending change application fee	\$ 25

~~The application fees are nonrefundable.~~

~~If at any time during the annual license term a vendor changes the size of the sidewalk vending area or mobile unit, location, or adds a new heating or cooking apparatus, a new application for approval must be submitted with an application fee of \$25.~~

6B.180.060 Issuance.

After the filing of a completed application for a sidewalk vending license, the applicant shall be notified by the Department of the decision on the issuance or denial of the license. In the event that two or more applications for the same location are received, the earliest application received by the Department, if approved, shall be awarded the location. Upon approval of the application, the license shall not become effective until signed by the applicant. Upon denial of the application, the applicant shall be so notified pursuant to Section 6B.180.120.

~~**6B.180.070 Term of license.**~~

~~All licenses issued pursuant to this chapter, except as to those licenses for which a shorter term is herein specified, shall be effective as of the first day of the month of issuance, regardless of the actual date of issue, and shall expire 12 months from the effective date thereof, unless sooner revoked in the manner provided in this chapter.~~

6B.180.075 Tollefson Plaza.

A. Any sidewalk vendor licensed under this chapter may, in addition to his or her approved location(s), operate his or her sidewalk vending business on Tollefson Plaza located on South 17th Street and Pacific Avenue.

B. Vendors must be at least five feet from all adjacent vendors.

C. Vendors are not required to get the approval of adjacent property owners, business owners, or vendors when operating on Tollefson Plaza.

D. Per 6B.180.100 E, during special events permitted by the City located on Tollefson Plaza, a vendor may not operate his or her sidewalk vending business without the permission of the special event permit applicant or special event sponsoring unit, as designated on the special event permit approved by the City.

E. A sidewalk vendor who, in the City's sole discretion, is operating or locating in Tollefson Plaza in a manner which impedes public access, ingress, egress, or otherwise interferes with the City's or its licensees use of Tollefson Plaza, shall be required to relocate or remove his or her vending business as directed by the City.

~~**6B.180.080 Change in vending.**~~

~~If at anytime during the license term a vendor changes the size of the vending area, or mobile unit, location, or adds a new heating or cooking apparatus a new application for approval must be submitted to the Department and pay the application fee of \$25.~~



6B.180.090 No transfer.

Street Sidewalk vending licenses are not transferable.

6B.180.100 Location review.

Upon receipt of a completed application for a sidewalk vending license, the City shall review the location to determine if it is suitable for sidewalk vending. In making this determination, the City shall consider the following criteria:

A. No license shall be issued for a location within 25 feet of a location for which a license has already been granted, unless agreed to by the adjacent property owner(s), adjacent business owner(s) and adjacent vendor(s) with a similar type of merchandise operating under this section.

B. The license operating location must be within an approved “commercially zoned districts” as approved by the City defined in Section 6B.180.030.

C. The use of sidewalk vending ~~devices~~ units must be compatible with the public interest in use of the public ways as public rights-of-way.

D. The location of the sidewalk vending unit shall not reduce the width of any pedestrian walkway below ~~five~~ six feet, shall not force any pedestrian walking or using a wheelchair to leave the sidewalk, and shall not restrict the sidewalk to a degree that such pedestrians are required to pass single file.

E. ~~A sidewalk vendor shall not use a given location when the City approves a special event permit pursuant to TMC 11.15 that uses the same public ways unless the sidewalk vendor is a participant of the special event and has received permission from the special event applicant. The license, as it applies to a given operating location, may be suspended upon notification thereof to the vendor when the City approves a special event permit that uses the same public ways.~~

F. No person or corporation shall either pay or accept payment for the written consent required for issuance or continued operation of a sidewalk vending license.

G. No person or corporation shall either pay or accept payment from the sidewalk vendor for the use of ~~public~~ private property to obtain a sidewalk vending license.

6B.180.110 Restrictions.

Any person with a valid sidewalk vending license issued pursuant to this chapter shall be subject to the following restrictions:

A. All sidewalk vendors must display, in a prominent and visible manner, the license issued by the Department under the provisions of this chapter.

B. The height of a sidewalk vending unit, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five feet. The length of the sidewalk vending unit shall not exceed (96) ninety-six inches.

C. Umbrellas or canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk. Umbrellas or canopies shall not exceed (40) forty square feet in area.

D. The sidewalk vending site must be clean and orderly at all times, and the vendor must provide a refuse container for use by patrons.

E. Soliciting business ~~with from~~ persons in motor vehicles ~~or soliciting from motor vehicles is prohibited.~~

F. No merchandise shall be displayed using street furniture (planters, street lights, trees, trash containers, etc.) or placed upon the sidewalk. ~~In addition, sales of merchandise shall not be allowed from a vehicle.~~ No use of any automatic coin-operated vending dispenser shall be allowed. Persons conducting a sidewalk business must use an approved sidewalk vending unit.

G. Vendors shall not hinder the use of any phone booth, mailbox, parking meter, fire alarm, fire hydrant (including automatic sprinklers or standpipe connections), newspaper vending machine, waste receptacle, bench, transit stop, street parking space, or traffic signal controllers.

H. Vendors shall obey any lawful order from a pPolice officer or Fire Department official or any other City official during an emergency or to avoid congestion or obstruction of the sidewalk.



I. No vendor shall make any noise that exceeds the standards in ~~Chapter TMC 8.122.020-TMC~~ or use mechanical audio or noise-making devices to advertise his or her product.

1 J. No ~~licensed~~-sidewalk vending unit shall be left unattended on a sidewalk, nor remain on the sidewalk between 2:00 a.m. and 6:00 a.m.

2 K. Vendors shall not be within 10 feet of a driveway or bus stop sign, or within 20 feet from a crosswalk,
3 pursuant to RCW 46.61.570, not vend within 10 feet of a driveway, bus stop sign, or crosswalk at any
4 intersection, unless approved by the City.

4 L. Utility service connections are not permitted, except electrical, when provided by the owner of the adjacent
5 property. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk or in an
6 area where a vehicle can drive over them, however, electrical cords or cables may cross the sidewalk if they
7 are covered with an ADA compliant ramp or cover.

6 M. No ~~vending~~ products may be sold while a sidewalk vendor is in transit.

7 **6B.180.120 License or location revocation or denial.**

8 A. In addition to the reasons for suspension or revocation set out in Section 6B.10.140, the Director may
9 suspend or revoke any license issued under this chapter if the Mobile Unit Permit issued by Tacoma-Pierce
10 County Health Department is cancelled or revoked, or for any violations of this chapter.

9 B. The grant of a license for sidewalk vending on a public way is a grant of a temporary privilege to use a
10 portion of the public way to serve and benefit the general public, and any rights of use permitted under the
11 provisions of this chapter shall be of a temporary and revocable nature.

11 C. Any approved location granted under the provisions of this chapter may be revoked by the Director or
12 other authorized representative of the City, if the Director or authorized representative finds that the location
13 no longer serves or benefits the public and is inconsistent with Section 6B.180. The Director may rely, in
14 part, on correspondence regarding the sidewalk vendor's operations and compliance with the requirements of
15 the TMC filed with the Director by property owners and businesses located within reasonable proximity to
16 the sidewalk vending location.

14 A. The Director shall have the power and authority to revoke or deny either the issuance or renewal of any
15 license applied for or issued under the provisions of this chapter. The Director shall notify such applicant or
16 licensee in writing, by certified mail, of the denial of a license application or the suspension or revocation of
17 an existing license and the grounds therefor. Any license issued under this chapter may be suspended or
18 revoked immediately based on one or more of the following grounds:

16 1. Health Department authorization for the sidewalk food or beverage vending unit is canceled.

17 2. Any other license issued under the Tacoma Municipal Code has been suspended, revoked, or canceled.

18 3. The vendor has violated or failed to meet any of the provisions of this chapter.

18 4. The licensee does not have currently effective an insurance policy in the minimum amount as specified in
19 Section 6B.180.040.F of this chapter.

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

20 D.6. An adjacent property owner, adjacent business owner, or legal representative may withdraws consent in
21 writing for the sidewalk vending unit. Vendors shall be given 30 days' notice of consent withdrawal before
22 the Director will revoke the license.

22 B. The grant of a license for vending on a public way is a grant of a temporary privilege to use a portion of
23 the public way to serve and benefit the general public, and the applicant for the license shall have the burden
24 to prove that any proposed vending activity will enhance and further the public interest consistent with the
25 use of the public way by the general public and the City for other authorized uses and activities, and any
26 rights of use permitted under the provisions of this chapter shall be of a temporary and revocable nature, at
27 the discretion of the City; therefore, all licenses granted under the provisions of this chapter may be revoked
28 without cause by the Director other authorized representative of the City, upon 30 days' prior notice.

25 C. In determining whether a license is to be denied or revoked, the Director may rely, in part, on
26 correspondence regarding a vendor's operation and compliance with the requirements of this section filed
27 with the Director by Eproperty owners and businesses located within reasonable proximity to the vendor's
28 licensed location.



ED. Where a sidewalk vendor does not use the licensed location as approved under this section for a continuous 30-day period during the period of June 1 through August 31 of each year and where another vendor applies for the location, such license will be revoked.

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EXHIBIT "P"

**Chapter 6B.200
SEPTIC AND SIDE SEWER CONTRACTORS**

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Sections:

- ~~6B.200.010 License required.~~
- ~~6B.200.020 Definitions.~~
- ~~6B.200.030 License fee.~~
- ~~6B.200.040 Bond required.~~
- ~~6B.200.050 Exemptions.~~

~~6B.200.010 License required.~~

~~It shall be unlawful for any person to engage in the business of laying side sewers or making side sewer connections in the City or of installing, maintaining, or servicing septic tanks and septic tank installations and equipment, or to dump, directly or indirectly, any sewage into any part of the storm water or sanitary sewer system or treatment plant of the City without first having obtained a license pursuant to the provisions of this chapter.~~

~~6B.200.020 Definitions.~~

~~"Septic tank" means any underground tank, together with drain field and service connections, installed in connection with any house, building or structure, and within the confines of the lot or tract upon which such house, building or structure is situated.~~

~~"Septic tank contractor" means every person engaged in the business of installing septic tanks or maintaining or servicing any such septic tank or drain field or connections and equipment.~~

~~"Side sewer" means a pipe or sewer line connecting any house, building or structure with the public sewer, whether situated in a street, alley, or an easement provided therefore.~~

~~"Side sewer contractor" means every person engaged in the business of laying side sewers or of making side sewer connections and the business of septic tank contractor activities.~~

~~6B.200.030 License fee.~~

~~The license fee under this chapter is hereby fixed as follows:~~

Type of license	Fee
Septic tank contractor	\$200
Side sewer contractor, bond required	\$200

~~6B.200.040 Bond required.~~

~~No side sewer contractor's license shall be issued until the applicant has first filed with the City a Right of Way bond as required by TMC 10.22.~~

~~6B.200.050 Exemptions.~~

~~Any person working solely with septic tanks or as a septic tank contractor shall be exempt from the bond required in Section 6B.200.040.~~



EXHIBIT “Q”

**Chapter 6B.220
FOR-HIRE REGULATIONS**

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Sections:

- 6B.220.100 Scope, authority and purpose.
- 6B.220.110 License required – For-hire transportation services company, for-hire vehicle and for-hire driver.
- 6B.220.120 License inspection.
- 6B.220.130 Definitions.
- 6B.220.140 Fees – License and inspection; Exemptions.
- 6B.220.150 License expiration and renewal.
- 6B.220.160 For-hire transportation services company – For-hire data.
- 6B.220.170 For-hire transportation services company – Reports to the Director.
- 6B.220.180 For-hire transportation services company – Responsibilities.
- 6B.220.190 For-hire transportation services company – Approval of color scheme.
- 6B.220.200 For-hire vehicle – License application and requirements.
- 6B.220.210 For-hire vehicle – Standards for license denial; Appeal.
- 6B.220.220 For-hire vehicle – Transfer of for-hire vehicle license.
- 6B.220.230 For-hire vehicle – Owner surrender of for-hire vehicle license.
- 6B.220.240 For-hire vehicle – Operating requirements.
- 6B.220.250 For-hire driver – License application and requirements.
- 6B.220.260 For-hire driver – Criminal background check and fingerprints.
- 6B.220.270 For-hire driver – Certification of fitness to drive.
- 6B.220.280 For-hire driver – Training ~~program~~course.
- 6B.220.290 For-hire driver – Examination.
- 6B.220.300 For-hire driver - Standards for license denial; Appeal.
- 6B.220.310 For-hire driver – Temporary license.
- 6B.220.320 For-hire driver – Operating standards.
- 6B.220.330 For-hire driver – Reports to the Director.
- 6B.220.340 For-hire driver – Passenger relations standards.
- 6B.220.350 For-hire driver – Soliciting and cruising standards.
- 6B.220.360 For-hire stand – Establishment of for-hire stands.
- 6B.220.370 For-hire stand – For-hire driver standards.
- 6B.220.380 License suspension and revocation – For-hire transportation services company, for-hire vehicle and for-hire driver; Appeal.
- 6B.220.390 License violations and penalties – For-hire transportation services company, for-hire vehicle and for-hire driver; Appeal.

6B.220.130 Definitions.

For the purposes of this chapter 6B.220 of the Tacoma Municipal Code, the following terms, phrases, words, and their derivations shall have the meaning given herein; words not defined herein which are defined in Title 6, shall have the same meaning or be interpreted as provided in Title 6.

V. “Operating in the City of Tacoma” means owning, leasing, advertising, driving, occupying and/or otherwise operating a for-hire vehicle that at any time transports any passenger for compensation from a point within the geographical confines of the City of Tacoma. A for-hire transportation services company is “operating in the City of Tacoma” if it provides application dispatch services to any affiliated for-hire driver at any time for the transport of any passenger ~~or item~~ for compensation from a point within the geographical confines of the City of Tacoma. The term does not include being in control of a for-hire vehicle that is physically inoperable.



* * *

Z. "Transportation network company (TNC)" means a person operating in the City of Tacoma that enables TNC affiliated drivers to provide prearranged transportation services for compensation using an online-enabled TNC application or platform which connects passengers with for-hire drivers using their personal for-hire vehicles and that is subject to the licensing requirements under this chapter.

AA. "Transportation network company (TNC) affiliated driver" means a for-hire driver affiliated with a transportation network company.

BB. "Transportation network company (TNC) affiliated vehicle" means a personal motor for-hire vehicle used for the transportation of passengers for compensation that is affiliated with a transportation network company. A personal vehicle while used for personal use is not considered a TNC affiliated vehicle.

CC. "Waiting Time" means time during which the for-hire vehicle is under the direction of a passenger and the for-hire vehicle is not moving.

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6B.220.150 License expiration and renewal.

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B. For-hire driver license.

1. All for-hire drivers' licenses issued pursuant to the provisions of this subtitle shall be effective as of the first day of the month of issuance regardless of the actual date of issue and shall expire one (1) year from the date of issuance.

2. Each for-hire driver must renew the for-hire driver's license every year, provide a new photographs, and provide or submit to an updated criminal background check.

3. Effective January 1, 2015, all for-hire drivers' licenses issued pursuant to the provisions of this subtitle shall be effective as of the first day of the month of issuance regardless of the actual date of issue and shall expire two (2) years from the effective date of issuance, except that TNC affiliated drivers shall expire on December 31st of every calendar year.

4. Effective January 1, 2015, each for-hire driver must renew the for-hire driver's license every other year, provide new photographs or consent to a full face photograph taken by the Director, and submit to a new criminal background check.

5. No for-hire driver's license may be renewed unless all outstanding penalties against the for-hire driver are paid in full to the Director and the for-hire driver has filed a renewal application and paid the renewal fee.

6. Whenever the for-hire driver license furnished by the City shall become worn out, damaged, faded or otherwise unfit for use, the City may require that such license be destroyed and may require the licensee to furnish new photographs if the City does not have current photos on file that can be used on the replacement license and purchase a replacement license according to the fee established in 6B.220.140.

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6B.220.180 For-hire transportation services company – Responsibilities.

The for-hire transportation services company shall:

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I. Review criminal background checks and driving records for every affiliated for-hire driver and maintain records thereof if the for-hire transportation services company is conducting such checks themselves through a third party vendor approved by the Director. If a for-hire driver's background check or driving record results in any denial standard in accordance with 6B.220.210.A or 6B.220.300.A, the for-hire driver shall not be permitted to provide transportation services by affiliating with the for-hire transportation services company using the for-hire transportation services company application dispatch or dispatch services and/or approved name and color scheme.

6B.220.190 For-hire transportation services company – Approval of color scheme.

A. When a for-hire transportation services company is going to use a color scheme for their for-hire vehicles and/or affiliated for-hire vehicles, the Director shall have final approval over a for-hire transportation services



company's color scheme for each of its affiliated for-hire vehicles, in order to ensure that there is no risk of confusion between the colors of different for-hire transportation services companies, and to ensure that the color scheme meets the requirements of this chapter. Once a color scheme has been approved by the Director, the for-hire transportation services company must submit a for-hire vehicle license application according to the requirements in 6B.220.190 within 90 days of notification of color scheme approval and have a licensed affiliated vehicle in operation.

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6B.220.250 For-hire driver – License application and requirements.

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

1. Name, aliases, residence and business addresses, residence and business telephone numbers;
2. Place and date of birth (which must be at least twenty-one years of age on date of application), height, weight, color of hair and eyes;
3. Social security number and Washington State driver's license number. The applicant must present his/her Washington State driver's license or a copy thereof at time of application;
- ~~4. Proof that the applicant is a United States citizen or has documentation, as required by the United States Department of Homeland Security, Citizenship and Immigration Services, that the applicant is authorized to work in the United States;~~
- ~~5~~4. Documentation that a full criminal background check has been completed on the applicant through Washington State Patrol and Federal Bureau of Investigation criminal databases or through a Director-approved third party vendor and was reviewed as required in 6B.220.180.I. If a criminal background check is not conducted through a Director-approved third-party vendor, then the for-hire driver shall consent to be fingerprinted and the City will conduct a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check;
- ~~6~~5. Information indicating whether or not the applicant has ever had a for-hire driver's, or driver's license suspended, revoked, or denied and for what cause;
- ~~7~~6. Documentation that a copy of the applicant's driving abstract from the Washington State Department of Licensing was reviewed as required in 6B.220.180.I or a signed statement authorizing the Director to obtain a current copy of the applicant's driving abstract from the Washington State Department of Licensing;
- ~~8~~7. Completion of a for-hire driver training ~~program~~course and successful completion of exam explained in more detail in 6B.220.280 and 6B.220.290;
- ~~9~~8. A statement under penalty of perjury of their physical and mental fitness to act as a for-hire driver;
- ~~10~~9. All applicants for a for-hire driver's license shall include with his or her application one current full face digital photograph of the applicant, submitted electronically or consent to a full face photograph taken by the Director. ~~The full face photograph shall become a part of the applicant's license, if issued; and a copy of the full face photograph shall be filed with the application;~~
- ~~11~~10. If using a for-hire transportation services company's approved color scheme and name, a letter from the for-hire transportation services company which indicates the applicant is authorized to operate a for-hire vehicle using the for-hire transportation services company's approved color scheme and name;
- ~~12~~11. If affiliating as a for-hire driver to a TNC, a letter or documentation from the TNC which indicates the applicant is authorized to affiliate to the TNC and to use their app and that all for-hire driver requirements outlined in this chapter have been met; and
- ~~13~~12. Such other information as may be reasonably required by regulation promulgated under this chapter.

* * *

6B.220.280 For-hire driver – Training ~~program~~course.

A. Upon initial application all for-hire driver applicants are required to complete a for-hire driver training ~~program~~course approved by the Director.

B. For-hire driver training ~~programs~~courses may be completed through a City of Tacoma offered class, a third party vendor approved by the Director or through a Director-approved for-hire transportation services



company programcourse. The for-hire driver may be required to pay a fee, as determined by the Director, third party vendor, or for-hire transportation services company, for the training programcourse.

1 C. Content for all training programcourses must be submitted for approval as required by the Director. For-hire driver training programcourses shall include, but not be limited to:

2 1. Information about defensive driving, use of emergency procedures and equipment for the for-hire driver’s
3 personal safety, risk factors for crimes against for-hire drivers, enhancement of for-hire driver/passenger
4 relations and professional conduct and communication skills; and

5 2. Completion of the National Safety Council Defensive Driving Course or other defensive driving course
6 approved by the Director.

7 D. The Director may request a for-hire driver to take a refresher course if there are reasonable grounds, based
8 on documented complaints and/or violations to require a refresher course.

9 **6B.220.300 For-hire driver – Standards for license denial; Appeal.**

10 A. The Director shall deny any for-hire driver’s license application if the Director determines that such
11 license should not be issued pursuant to the provisions of 6B.10 of the Tacoma Municipal Code or further
12 determines that the applicant:

13 1. Has made any material misstatement or omission in the application for a license;

14 2. Fails to meet any of the requirements of a for-hire driver contained in Subsections 6B.220.250,
15 6B.220.260, 6B.220.270, 6B.220.280 or 6B.220.290;

16 3. Has had a bail forfeiture, conviction, or other final adverse finding for offenses pertaining to hit-and-run,
17 reckless driving, attempting to elude a police officer, vehicular assault, vehicular homicide, driving under the
18 influence of alcohol or controlled substances, or related offense as in RCW 46.61.502, RCW 46.61.503 RCW
19 46.61.504 or anyone found to be a Habitual Traffic Offender by the Washington State Department of
20 Licensing, within three (3) years of the date of application;

21 4. Has been convicted of a “Sex offense” or “Kidnapping” offense against a minor pursuant to RCW Title 9
22 or 9A or another state’s similar statute; or

23 5. Is required to register as a sex offender pursuant to RCW 9A.44.130 or another state’s similar statute.

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25 **6B.220.320 For-hire driver – Operating standards.**

26 A. A for-hire driver shall not operate a for-hire vehicle without first obtaining and maintaining a valid for-hire
driver’s license and shall ensure ~~ing~~ that their City issued for-hire license identification card is in the vehicle
and available for display upon request by a passenger or City official or a TNC driver is able to display their
active TNC app upon request by a passenger or City official.

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ORDINANCE NO. 28540

1 AN ORDINANCE relating to the license code; amending Tacoma Municipal Code
2 Chapters 6B.70, Entertainment/Dancing – Alcohol Served, 6B.80,
3 Entertainment/Dancing or Skating Rinks – All Ages, and 6B.230, Temporary
4 Licenses – Sales or Shows, relating to the regulation of entertainment,
5 dancing, and show business activities, to address areas of inconsistency
6 and update language in the license code.

7 WHEREAS, currently, Chapter 6B.230 of the Tacoma Municipal
8 Code (“TMC”) requires a Show license for temporary entertainment activities
9 conducted in the City, and

10 WHEREAS the type of business activity that falls under TMC 6B.230 is
11 similar to the activity that falls under TMC 6B.70 and 6B.80, relating to
12 entertainment and dancing licenses, creating duplicative and often confusing
13 application of the requirements, and

14 WHEREAS the proposed amendments remove temporary show activity
15 from TMC 6B.230 and incorporate it into TMC 6B.70 and 6B.80, as well as
16 addressing inconsistent language and other identified areas of improvement to the
17 licensing process in these chapters; Now, Therefore,

18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That Tacoma Municipal Code (“TMC”) Chapter 6B.70,
20 Entertainment/Dancing – Alcohol Served, is hereby amended as set forth in the
21 attached Exhibit “A.”

22 Section 2. That TMC Chapter 6B.80, Entertainment/Dancing or Skating
23 Rinks – All Ages, is hereby amended as set forth in the attached Exhibit “B.”
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Section 3. That TMC Chapter 6B.230, Temporary Licenses – Sales or Shows, is hereby amended as set forth in the attached Exhibit “C.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 6B.70

ENTERTAINMENT/DANCING – ALCOHOL SERVED

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Sections:

- 6B.70.005 Purpose.
- 6B.70.010 License required.
- 6B.70.020 Definitions.
- 6B.70.030 Classes of entertainment.
- 6B.70.040 Entertainment license fees.
- 6B.70.043 Exemptions.
- 6B.70.045 Reports to the Fire Marshal.
- 6B.70.047 Reports to the Police Chief.
- 6B.70.049 Requirements and term for security personnel license.
- 6B.70.050 Licensing prohibited.
- 6B.70.055 Activity not permitted at establishments.
- 6B.70.060 Information required from corporations.
- 6B.70.070 Construction of chapter.

6B.70.005 Purpose.

The purpose of this chapter is to regulate the operation of entertainment and dancing establishment where alcohol is served for the protection of the public welfare, health, and safety of those that attend and patronize these establishments by:

- A. Requiring licenses for entertainment or dancing establishments where alcohol is served;
- B. Requiring reports to the Fire Marshal;
- C. Requiring reports to the Police Chief; and
- D. Requiring security personnel to be licensed when an entertainment or dancing establishment uses security personnel to provide crowd control; protect persons or property from harm or unlawful activity; deter, observe, or detect unlawful or unauthorized activity; or supervise entry and exit at the establishment.

6B.70.010 License required.

It is unlawful for any person to operate or engage in the business of operating an entertainment or dancing establishment in the City without first obtaining a license pursuant to the provisions of this chapter. For purposes of this chapter, this license is referred to as an "~~dancing/e~~Entertainment/Dancing license."

6B.70.020 Definitions.

- A. "Dancing place" means any room, place, space, or private club in the City open for the serving of the public or members, in which the members, guests, patrons, entertainers, or other persons are permitted to, dance in the connection with the business of directly or indirectly selling liquor for consumption on or within the premises. "Liquor" shall have the same meaning as in RCW 66.04.010.
- B. "Entertainment" means an activity where any room, place, space, or private club in the City open for the serving of the public or member, in which the public, members, guests, patrons, entertainers, or other persons are permitted to sing, perform, or otherwise engage in musical entertainment, presentation of recorded music played on equipment which is operated by an agent or contractor of anthe establishment, commonly known as a "DJ" or "disc jockey," presentations by single or multiple performers, such as hypnotists, mimes, comedians; musical song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent; exhibitions, theatrical performances, shows, except shows licensed under Chapter 6B.230, or similar amusements to which the public or members are invited or allowed to watch, listen, or participate or that is conducted for the purposes of holding the attention or, gaining the attention of or diverting or amusing guests or patrons in connection with the business of directly



or indirectly selling liquor for consumption on or within the premises. ~~“Liquor” shall have the same meaning as in RCW 66.04.010.~~ “Entertainment” includes “dancing.”

C. “Establishment” means any indoor or outdoor room, place, space, or private club in the City open for the serving of the public or members a business that provides ~~“dancing” or~~ “entertainment.”

D. ~~“Liquor” shall have the same meaning as in RCW 66.04.010.~~

~~ED.~~ “Musical entertainment,” as used in this chapter, shall not apply to phonographs, radios, or mechanical devices used for the reproduction of music for the listening enjoyment of the members or patrons only.

~~FE.~~ “Security personnel” shall mean a security guard, bouncer, door person, or any person performing similar duties who is present at an entertainment or dancing establishment to provide crowd control; protect persons or property from harm or unlawful activity; deter, observe, and detect unlawful or unauthorized activity; or supervise entry and exit at the establishment. A commissioned law enforcement officer or any person possessing a valid security guard license issued under chapter 18.170 RCW is not “security personnel” for the purposes of this chapter and is not required to obtain a “security personnel license.”

G. “Temporary event” means an entertainment event in duration of less than 11 days, held at an establishment that does not have a valid entertainment license issued under chapter 6B.70.

~~HF.~~ “Training program” means a program approved by the Police Chief that includes, but is not limited to, training and information about necessary force, use of proper equipment, fire safety and evacuation, report writing, fake identification, emergency response procedures, and curriculum from the Washington State Liquor Control Board’s Mandatory Alcohol Server Training that can be applied to security personnel.

~~IG.~~ “Written safety plan” means a written document submitted with the entertainment or dancing license that includes, at a minimum, the following information about the entertainment or dancing establishment:

1. When using security personnel, identify the number of security personnel and where they will be/are located throughout the establishment. All security personnel must be licensed as required by this chapter.
2. Procedures for checking identification and searching patrons;
3. Procedures for ensuring that only persons 21 years or older are served alcohol or allowed in areas restricted to persons over 21 years;
4. Procedures for handling violent incidents, other emergencies, and calling the Tacoma Police Department;
5. A description of the training provided or completed by the security and other personnel, including conflict de-escalation training;
6. Procedures for crowd control and preventing overcrowding;
7. Procedures for disturbances outside the premises from patrons leaving the establishment, i.e. loitering, vandalism, noise, parking, and crowd dispersal;
8. Current hours of operation and anticipated hours of operation; and
9. Current contact information for the person or position responsible for addressing safety, security, or City code-related complaints by patrons or neighborhood residents.

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6B.70.040 Entertainment License fees.

No person shall commence, conduct, manage, operate, or maintain any entertainment ~~class facility~~ establishment or entertainment event without having a license to do so issued by the City. ~~The~~ license fees ~~for which~~ shall be as follows:

Entertainment/Dancing Class License	First Year	Renewal <u>or Temporary</u>
Class "A"	\$2,400	\$600
Class "B"	\$450	\$300
Class "C"	\$180	\$120



6B.70.043 Exemptions.

The following types of entertainment and events are exempt from the license required by this chapter. This exemption does not relieve any establishment from complying with all other applicable laws, including, but not limited to, Title 6 and the laws related to noise levels and nuisances, particularly those contained in Title 8.

A. Entertainment sponsored by any local or state government;

B. Special events receiving a Special Event permit issued by the City of Tacoma or Metro Parks; or

C. Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge or required minimum purchase at the event.

6B.70.045 Reports to the Fire Marshal.

A. The licensee, owner, or operator of any establishment with a building occupancy of more than 99 persons that offers entertainment ~~or dancing~~, as defined in this chapter, shall file with the license application the following:

1. Building information regarding square feet and number of exits;
2. Operational plan and scope of event or business activities;
3. A fire evacuation and fire safety plan for the building, as required in section 404 of the International Fire Code;
4. A plan for quarterly fire drills by employees, as required in section 405 of the International Fire Code; and
5. Any other required reports upon renewal of the Annual Assembly Permit, as defined in Section 3.09.038 TMC.

~~B. Updated reports must be submitted annually with the license renewal.~~

6B.70.047 Reports to the Police Chief.

A. The licensee, owner, or operator of any establishment shall file with the license application a written safety plan, as defined in this chapter.

B. Establishments shall file their written safety plans upon initial application with the Director, who shall distribute them to the Tacoma Police Department. ~~For existing establishments, safety plans shall be filed within forty five (45) days of the effective date of this ordinance. New establishments shall file safety plans with the initial application.~~ No establishment may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.

C. Establishments shall make an updated copy of their safety plan available for review by the establishment’s employees. The safety plan shall be made available upon request by the City, patrons, or neighborhood residents.

D. The written safety plan must be reviewed at least once every year by the business owner. If there are any changes from the original written safety plan filed upon initial application, An updated safety plan must be submitted to the Director annually with the next annual license renewal.

E. Temporary events as defined in this chapter shall, at least 15 business days prior to the start of the event, file a written safety plan with application to the Director, who shall distribute to the Tacoma Police Department. No temporary event may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.

F. Temporary events that will occur at an establishment that is licensed under Chapter 6B.70 may be required to submit a written safety plan for the temporary event and receive approval from the City prior to the event opening to the public.

6B.70.049 Requirements and term for security personnel license.

A. Prior to a license being issued, any person meeting the definition of “security personnel” is required to:

1. Consent to be fingerprinted for a state and federal criminal background check, ~~and submit with his or her application a current full face photograph of the applicant, size of two inches square.~~ Applicants previously



licensed and fingerprinted will not be required to again be fingerprinted if reapplication is received within five years of initial licensing; and

1 2. Submit payment of \$50 for the security personnel license.

2 B. Proof of attendance from a training program, as defined in this chapter, that is provided by the City ~~or~~
3 ~~recognized by the City~~ must be submitted within ~~90~~10 days ~~offrom initial application or proof of a training~~
4 ~~program recognized by the City may be submitted with the initial application~~ ~~received or license will be~~
5 ~~denied.~~

4 C. When using security personnel at establishment, security personnel shall wear uniforms and be readily identifiable as private security personnel.

5 D. No person may work as security personnel at an entertainment or dancing establishment without obtaining a
6 security personnel license; ~~p~~Provided, however, that persons may perform these functions without a
7 security personnel license at a private club that has a valid "club license" issued by the Washington State
8 Liquor Control Board and complies with all requirements of RCW 66.24.450 and chapter 314-40 WAC.

7 E. The security personnel license shall be effective as of the first day of the month regardless of the actual
8 date of issue, and shall expire two years from the effective date.

8 **6B.70.050 Licensing prohibited.**

9 A. Security Personnel Licensing. The Director may deny, suspend, or revoke any security personnel license
10 application if the Director determines that:

10 1. Within ten years of the date of application, the applicant has had a felony conviction, bail forfeiture, or
11 other final adverse finding involving crimes reasonably related to the applicant's ability to safely provide
12 security, including but not limited to, homicide, assault, sex offenses, robbery, extortion, kidnapping,
13 harassment, malicious mischief, firearms offenses, rendering criminal assistance, and violations of the
14 uniform controlled substances act, or is required to register as a sex offender, pursuant to RCW 9A.44.130

13 2. Within three years of the date of application, the applicant has had a misdemeanor conviction, bail
14 forfeiture, or other final adverse finding involving crimes reasonably related to the applicant's ability to safely
15 provide security, including but not limited to, assault, sex offenses, harassment, malicious mischief, rendering
16 criminal assistance, obstructing a police officer, resisting arrest, and violations of the uniform controlled
17 substances act or equivalent offenses under a municipal code;

16 3. Within three years of the date of application, the applicant has been found, either through a criminal
17 conviction, bail forfeiture, or other final adverse finding (including a civil suit or administrative proceeding)
18 to have exhibited past conduct in working as security personnel which is reasonably related to his or her
19 fitness or ability to work as security personnel;

18 4. Within three years of the date of application, the applicant engaged in conduct which would lead the
19 Director to reasonably conclude that the applicant will not comply with the provisions of the chapter and the
20 safe operation of the entertainment and dancing establishment.

19 5. For any reason in Section 6B.10.140 TMC or Section 6B.10.170 TMC.

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EXHIBIT "B"

Chapter 6B.80

ENTERTAINMENT/DANCING – NO ALCOHOL SERVED AND TEENAGE DANCE OR SKATING RINKS – ALL AGES

Sections:

- 6B.80.005 Purpose.
6B.80.010 License required.
6B.80.020 Definitions.
6B.80.030 License fees.
6B.80.035 Exemptions.
6B.80.040 Reports to Chief of Police.
6B.80.045 Reports to the Fire Marshal.
6B.80.050 Condition of premises – Lighting.
6B.80.060 Hours.
6B.80.070 Attendance of minors at dances.
6B.80.080 Conduct and inspection.
6B.80.090 Use of intoxicants or narcotic substances.
6B.80.100 Repealed.
6B.80.110 Teenage Dance Committee.
6B.80.120 Teen dance permit – Issuance.
6B.80.130 Teen dance permit applications – Requirements.
6B.80.140 Teen dance regulations.
6B.80.150 Teen Dance Committee may make rules and regulations.

6B.80.005 Purpose.

The purpose of this chapter is to regulate the operation of public dance halls, entertainment and dancing establishments where no alcohol is served, roller or ice skating rinks for the protection of the public welfare, health and safety of those that attend and patronize these establishments by:

- A. Requiring licenses for public dance halls, entertainment and dancing establishments where alcohol is not served; roller skating or ice skating rinks;
B. Establishing minimum standards for adequate lighting and sanitary conditions of the premises;
C. Requiring reports to the Chief of Police and Fire Marshall;
D. Requiring permits for teen dances; and
E. Establishing teen dance regulations; and
F. Requiring security personnel to be licensed when an entertainment or dancing establishment uses security personnel to provide crowd control; protect persons or property from harm or unlawful activity; deter, observe, or detect unlawful or unauthorized activity; or supervise entry and exit at the establishment.

6B.80.010 License required.

It shall be unlawful for any person to conduct or engage in the business of operating an public dance hall, entertainment establishment, roller skating rink or ice skating rink in the City without having first obtained a license pursuant to the provisions of this chapter.

6B.80.020 Definitions.

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

“Entertainment” means any single event or series of events or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate or that is conducted for the purposes of holding the attention or, gaining the attention of or diverting or amusing guests or patrons, including but not limited to:



- A. Dancing to live or recorded music;
- B. The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as a “DJ” or “disc jockey”;
- C. Presentations by single or multiple performers, such as hypnotists, mimes, comedians; musical song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent; shows, reviews and any other such activity, exhibition, or performance which may be attended by members of the public.

“Establishment” means a business operating as a “public dance hall,” “skating rink,” “teenage dance,” or providing entertainment at a location, inside or outside, as defined in this chapter.”

“Temporary event” means an entertainment event lasting in duration of less than 11 days, held at an establishment that does not have a valid entertainment license issued under Chapters 6B.70 or 6B.80 means an event that is open to the public for a period not to exceed ten consecutive days.

6B.80.030 License fees.

A. The license fees for public dance halls, an entertainment establishments, roller skating rinks, or ice skating rinks are hereby fixed as follows:

Square feet of dancing or skating space	First Year Fee	Renewal <u>or</u> <u>Temporary</u> Fee
0 to 2,999	\$150	\$100
3,000 to 6,000	\$220	\$170
Over 6,000	\$300	\$250

B. Annual or temporary fees for charitable organizations as defined in 6B.10.030:

Charitable Organization	\$25
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C. Fees for issuance of a teen dance permit:

Teen Dance Permit	\$125
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The Committee shall require payment of the fee from the applicant to cover the cost to the City before issuing any permit; provided, however, the Committee, within its discretion, may waive payment of this fee when all of the profits from such teenage dance are used exclusively by the sponsor for youth activities and recreation purposes.

6B.80.035 Exemptions.

The following types of entertainment and events are exempt from the license required by this chapter. This exemption does not relieve any establishment from complying with all other applicable laws, including, but not limited to, Title 6 and the laws related to noise levels and nuisances, particularly those contained in Title 8.

D. Entertainment sponsored by any local or state government agency of the city of Tacoma, the county of Pierce, the various boards of education, or by any other political subdivision of the state of Washington;

E. Entertainment provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, in which membership is by application and regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain;

F. Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge or required minimum charge at the event;



M. Entertainment lawfully conducted at any business licensed under Chapter 6B.30, Adult Entertainment or Chapter 6B.70, Entertainment/Dancing – alcohol served; or 6B.230, Temporary Licenses – Sales or shows.
 N. Baseball, football or other athletic games.

6B.80.040 Reports to Chief of Police.

A. The licensee, owner, or operator of any establishment shall file with the license application a written safety plan, as defined in this chapter.

B. Establishments shall file their written safety plans upon initial application with the Director, who shall distribute them to the Tacoma Police Department. ~~For existing establishments, safety plans shall be filed within forty five (45) days of the effective date of this ordinance. New establishments shall file safety plans with the initial application.~~ No establishment may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.

C. Establishments shall make an updated copy of their safety plan available for review by the establishment’s employees. The safety plan shall be made available upon request by the City, patrons, or neighborhood residents.

D. The written safety plan must be reviewed at least once every year by the business owner. If there are any changes from the original written safety plan submitted upon initial application, An updated safety plan must be submitted to the Director annually with the next annual license renewal.

~~The owner or operator of any establishment not open or operated on a regular schedule shall file with the Chief of Police not less than 48 hours prior to the time of holding or opening such establishment a notice of such intention to so open and conduct such an operation.~~

E. Temporary events as defined in this chapter shall, at least 15 business days prior to the start of the event, file a written safety plan with application to the Director, who shall distribute to the Tacoma Police Department. No temporary event may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.

F. Temporary events that will occur at an establishment that is licensed under Chapters 6B.70 or 6B.80 may be required to submit a written safety plan for the temporary event and receive approval from the City prior to the event opening to the public.

6B.80.045 Reports to the Fire Marshal.

A. The licensee, owner, or operator of any establishment with a building occupancy of more than 99 persons that meets the definition for establishment, ~~public dance hall, or skating rink,~~ as defined in this chapter, shall file with the license application the following:

- (a) Building information regarding square feet and number of exits;
- 2. Operational plan, and scope of business or event activity;
- 3. A fire evacuation and fire safety plan for the building, as required in section 404 of the International Fire Code;
- 4. A plan for quarterly fire drills by employees, as required in section 405 of the International Fire Code; and
- 5. Any other required reports upon renewal of the Annual Assembly Permit, as defined in Section 3.09.038 TMC.

* * *

6B.80.050 Condition of premises – Lighting.

Every ~~public dance hall and skating rink~~ entertainment establishment shall at all times be kept in a clean, healthful, sanitary condition, and all stairways, halls, passages, and rooms connected with such ~~dance hall or skating rink~~ establishment shall be kept open and well lighted. During hours of darkness, every ~~dance hall and skating rink~~ establishment shall be lighted in such a manner and to such an extent as is usual or customary for lighting of halls or rooms of like dimensions during the hours of darkness for public assemblies before any person is admitted thereto and before any ~~dancing or skating~~ entertainment is commenced therein; provided, however, that a minimum level of 30 lux horizontal measured at 30 inches from the floor on 10-foot centers shall be established for all areas thereof; such lighting or illumination shall be maintained thereafter



throughout the entire time while such ~~dance hall or skating rink~~establishment is open or ~~dancing or skating~~entertainment is in progress therein and during any recess or other intermission, without diminution and without interruption until such activity is concluded and until such ~~hall or skating rink~~establishment is cleared and closed.

6B.80.060 Hours.

All ~~public dances~~entertainment establishments shall ~~be discontinued and all public dance halls and skating rinks shall~~ be closed before 2:00 a.m. and shall remain closed until 6:00 a.m. on the same day unless authorized by the Director; provided that, upon the application of a bona fide and reputable organization or society and for good cause shown, the Director may grant permission to such organization or society to hold or continue a dance after 2:00 a.m. if it shall find that the same may be conducted without undue annoyance to any considerable number of people; provided, further, that on December 31, the hour of opening shall not be earlier than 6:00 a.m., and the hour of closing next following shall not be later than 3:00 a.m. New Year's Day; provided, further, that upon the application of a bona fide and reputable organization or society and for good cause shown, the Director may grant permission to such organization or society to hold or continue a dance after 3:00 a.m. on New Year's Day if it shall find that the same may be conducted without undue annoyance to any considerable number of people; provided, further, that the above hours of operation for public dances and public dance halls shall not apply to those conducted or operated in the following zoning districts of the City: Urban Center Mixed Use District ("UCX"); Urban Center Mixed Use District Tacoma Dome ("UCX TD"); Downtown Commercial Core District ("DCC"); Warehouse/Residential District ("WR"); and Downtown Mixed Use District ("DMU").

* * *

6B.80.080 Conduct and inspection.

No person maintaining, conducting, or carrying on any establishment or having charge or control thereof, nor any person employed in and about such a place, ~~shall allow or permit any prostitution or disorderly conduct, nor shall~~ allow any person under the influence of ~~illegal intoxicating or narcotic substances be allowed to enter or remain in any such establishment. No dance or manner of skating of a gross or vulgar character shall be permitted in any dance hall or skating rink, and no person shall be permitted to conduct himself or herself in a disorderly manner in such a place. No undue familiarity between partners shall be permitted. Inspectors detailed by the Chief of Police shall have full power to decide what is proper or permissible in this connection, and upon notice to the person in charge of the establishment of disorderly conduct, such person shall at once cause such conduct to cease.~~ The licensee, business owner, manager, or other responsible party shall allow entry by City of Tacoma officials for the purposes of ensuring for public safety at any time the facility is open. Denial of entry is cause for summary suspension of the license.

6B.80.090 Use of intoxicants or narcotic substances.

~~No intoxicating beverages or narcotics shall be sold, consumed, or available at any public dance hall, except as may be authorized in a cabaret duly licensed pursuant to Chapter 6B.70, or skating rink.~~

* * *

6B.80.110 Teenage Dance Committee.

A committee, which shall be known as the Teenage Dance Committee, is hereby established. The Committee shall consist of four members, one of whom shall be the Chief of Police of the City or ~~his or her~~ designated representative; one of whom shall be the Director of Finance or ~~his or her~~ designated representative; one of whom shall be the ~~Executive Director of the Human Rights and Human Services~~Director of Neighborhood and Community Services Department or ~~his or her~~ designated representative; and one of whom shall be appointed by the Office of the City Manager.

* * *

6B.80.130 Teen dance permit applications – Requirements.

A. The application for a permit shall be accompanied by adequate proof that the place or premises where the dance is to be held has a valid ~~public dance hall license~~ Entertainment/Dancing – No Alcohol Served license, or is not required to have such license but conforms with all safety regulations established by law, and must be filed with the Committee at least ~~15 days prior to any dance; provided, however, any sponsor or applicant~~



applying for such a permit for the first time shall be required to submit such initial application at least 30 calendar days prior to the time set for the intended dance.

* * *

6B.80.140 Teen dance regulations.

A. No minor admitted to a teenage dance shall be permitted to leave and thereafter re-enter the dancing premises during the course of the event, and no pass-out checks shall be issued except in emergencies and when authorized specifically by the person in charge of said dance.

B. No ~~illegal substances, intoxicating beverages or narcotics~~ shall be sold, consumed, or available on the premises in or about which any teenage dance is held.

C. Admission to a teenage dance shall be denied to any person under the influence of any ~~intoxicating or narcotic~~ illegal substance, or having any such substance in his or her possession.

D. Sufficient adult supervision shall be provided by the sponsor at all teenage dances to insure that accepted standards of social conduct are followed.

E. No dancing at any teenage dance shall be permitted after the hour of 12:00 midnight unless the permit issued for that dance specifically authorizes the continuance for a later hour. Authorization to continue dancing after the hour of 12:00 midnight may be approved within the discretion of the Committee.

F. No person of the age of 21 years or more and no person under the age of 16 years shall attend any teenage dance as a participant; provided, however, that any person having satisfactory proof of current senior high school attendance shall be eligible to attend such dance as a participant. This does not prohibit the attendance of chaperons and parents or others who do not participate in the dancing, nor does it prohibit persons employed as entertainers or musicians at such dances.

G. It shall be unlawful and constitute a violation of this chapter for any person who is not eligible for admittance to a teenage dance to loiter around or about the premises at which such dance is being held.

H. The provisions and conditions contained in Sections 6B.80.050 and 6B.80.080, both inclusive, and as they may be amended, shall likewise apply to teenage dances when such provisions are applicable and not in conflict with the provisions herein contained. Teenage dances shall in no way be construed as public dances.

~~**6B.80.150 Teen Dance Committee may make rules and regulations.**~~

~~The Committee is hereby authorized and empowered to adopt such rules and regulations not inconsistent herewith as it may deem necessary to carry out the purpose of this chapter.~~

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EXHIBIT "C"

Chapter 6B.230

TEMPORARY EVENT – MULTIPLE VENDOR LICENSES – SALESOR SHOWS

Sections:

- 6B.230.010 License ~~required~~.
- 6B.230.020 Definitions.
- 6B.230.030 License fees – List of vendors.
- ~~6B.230.040 Special event exclusions.~~
- ~~6B.230.050 Exemptions.~~
- ~~6B.230.060 Special event requirements.~~

6B.230.010 License ~~required~~.

~~A. Show. It shall be unlawful for any person to operate, conduct, present or stage any temporary show without first obtaining a license pursuant to the provisions of this chapter.~~

~~B. Special event. It shall be unlawful for Any person to acting as a promoter vendor of in a temporary show without first obtaining the necessary event may obtain a multiple vendor's license in lieu of each vendor obtaining a license as required under TMC 6B.20 and remitting tax as required under TMC 6A.30. Examples of temporary special events include, but are not limited to, trade shows, festivals, fairs, arts and crafts shows, home shows, recreational vehicle shows, boat shows, or antique shows open to the public.~~

~~C. Transient stock. It shall be unlawful for any person to sell or offer for sale any transient stock of goods in the City without first obtaining a license pursuant to the provisions of this chapter.~~

6B.230.020 Definitions.

As used in this chapter, the following terms have the meanings indicated:

~~"Event" means any show in duration not more than one week an event open to the public for a period not to exceed seven consecutive days that is a congregation of five or more vendors. Examples of multiple vendor events include, but are not limited to, trade shows, festivals, fairs, arts and crafts shows, home shows, recreational vehicle shows, boat shows, or antique shows open to the public.~~

~~"Promoter" means any person engaged in the business of offering to any vendor, directly, or indirectly, a sales areas within at an special event location for the purpose of using such area during the term of the special event license.~~

~~"Sales area" means any stall, booth, stand, space, section, unit, or specified floor area at within any special an event location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement engaging in business.~~

~~"Show" means any temporary public exhibition of entertainment, including, but not limited to, any circus, carnival, festival, motocross, motor sport, rodeo, trained animal show, dance performance, play, or other organized performances and/or exhibitions.~~

~~"Special event" means the congregation of a minimum of 15 vendors who are dealers, demonstrators, sellers or traders who rent, lease, purchase or otherwise obtain a sales area from a promoter for the purpose of selling, bartering, exchanging, trading or displaying goods or services.~~

~~"Special event location" means any area open to the public wherein vendors, dealers, sellers, traders or advertisers congregate for the purpose of participating in a special event.~~

~~"Temporary" means an event that is open to the public for a period not to exceed ten consecutive days.~~

~~"Transient stocks" means any stock of goods, wares or merchandise brought into the City temporarily for disposal, as distinguished from stocks of goods, wares and merchandise brought into the City in connection with operation of a merchandising business permanently operated in the City or in connection with an organized public Ex. or show, convention, conference activity or trade show, all in which multiple vendors participate and the duration of which is ten consecutive days or less.~~

~~"Vendor" means any person who exhibits goods or services in a multiple sales area at any multiple sales location for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.rents,~~



1 leases, purchases, or otherwise obtains a sales area from a promoter for the purpose of engaging in business at
2 an event. The term "vendor" does not include: (a) organizations that confine its activities to distributing
3 literature and products that have no intrinsic value or soliciting donations of services of volunteers, (b) persons
4 licensed under TMC 6B.20 during the term of the event, (c) persons exempt under TMC 6B.20, (d) farmers as
5 defined in TMC 6A.30, and (e) persons exempt from licensing pursuant to RCW 73.040.050.

6 **6B.230.030 License fees – List of vendors.**

7 A. The license fee shall be \$5 per vendor per day.

8 B. The license fee shall be collected by the promoter and shall be submitted to the Department at least three
9 calendar days prior to the commencement of the event, along with a list of the total number of vendors
10 participating at the event for which the license is sought, to include the vendor's name, business address, and
11 phone number, and a general description of the goods and/or services offered by each vendor.

Type of license	Fee
Special event, per vendor per day	\$5
Transient stock, per day	\$200
Show, per event	\$50
Show, per year	\$260

12 ~~**6B.230.040 Special event exclusions.**~~

13 ~~Vendors excluded from the provisions of this chapter and the licensing requirements of this chapter are those~~
14 ~~who participate in a show at which attendance is restricted and which show is not open to the public. Also~~
15 ~~excluded are vendors at flea markets, swap meets, transient stock vendors licensed under this chapter, and~~
16 ~~dealers of secondhand merchandise who are licensed under Chapter 6B.160 (not including vendors at antique~~
17 ~~shows).~~

18 ~~**6B.230.050 Exemptions.**~~

19 ~~Vendors licensed under Chapters 6A.30 and 6B.20 are exempt from the provisions for the term and activity for~~
20 ~~which the license was issued. In addition, the following are exempt:~~

21 ~~A. Amateur or other exhibitions given solely for the benefit of any charitable organizations, or literary~~
22 ~~organization, and amateur or little theater productions.~~

23 ~~B. Baseball, football, and other athletic games.~~

24 ~~C. Motion picture theaters.~~

25 ~~D. Temporary events that are operated within a theater, permanent building, or auditorium licensed under this~~
26 ~~chapter.~~

~~E. Holders of entertainment and dancing licenses issued pursuant to Chapters 6B.70 or 6B.80.~~

~~**6B.230.060 Special event requirements.**~~

~~The promoter shall submit to the Department a list of the total number of vendors participating at the event for~~
21 ~~which the license is sought, which list shall include the vendor's name, address, and business phone number,~~
22 ~~along with a general description of the goods and/or services offered by each vendor.~~

23 ~~The license fee shall be collected by the promoter and held in trust for the City. It shall be remitted to the~~
24 ~~Department three days prior to the commencement of the event. There shall be personal liability for any sums~~
25 ~~collected, or any sum which should have been collected on the part of the person ultimately responsible for~~
26 ~~collection or payment of the license fee.~~

~~If any corporation required to collect or remit a tax amount due to the City under the provisions of this chapter~~
21 ~~fails, for any reason, to make such collection or payment, any of its officers or employees having control or~~
22 ~~supervision of or charged with the responsibility of making such collection or payment shall be personally~~
23 ~~liable for such failure. The dissolution of a corporation shall not discharge an official's or employee's liability~~
24 ~~for a prior failure of the corporation to collect or pay the amount due.~~



ORDINANCE NO. 28541

1 AN ORDINANCE relating to minimum wage; amending Chapter 18.20 of the
2 Tacoma Municipal Code by repealing in its entirety Section 18.20.080,
3 entitled "Review," to remove language requiring a study to be conducted on
4 the City's minimum wage law.

5 WHEREAS, in 2015, the City Council adopted a minimum wage law for the
6 City of Tacoma, codified as Title 18.20 of the Tacoma Municipal Code ("TMC"),
7 and

8 WHEREAS TMC 18.20.080, "Review," directs the City Manager to make a
9 proposal to study the impacts of the City's minimum wage law, and

10 WHEREAS the purpose of the study was, in part, to look at what impact
11 minimum wages may have on low-income workers, small businesses, and the
12 Pierce County economy, and

13 WHEREAS, in 2016, Washington voters approved Initiative 1433, which,
14 among other things, increases the state-wide minimum wage over the next few
15 years, and

16 WHEREAS, as a result, the state's and City's minimum wage rates would
17 be similar from 2017 to 2019, and in 2020, the state's minimum wage rate is
18 projected to supersede the City's minimum wage rate, and

19 WHEREAS, because of the smaller difference in minimum wage rates
20 between the state and City, it may be difficult to accurately assess the impact the
21 City's minimum wage has had on small businesses, low-income workers, and the
22 regional economy, and
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WHEREAS, for these reasons, staff is recommending that TMC 18.20.080
be repealed to remove language requiring a study to be conducted on the City's
minimum wage law, and

WHEREAS staff will continue to monitor and periodically check on the status
of minimum wage in Tacoma and its relation to living wages, housing affordability,
transportation options, and other conditions that may impact affordability of living in
the City; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 18.20 of the Tacoma Municipal Code is hereby amended by
repealing in its entirety Section 18.20.080 thereof, as set forth in the attached
Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 18.20
MINIMUM WAGE**

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Sections:

- 18.20.010 Findings.
- 18.20.020 Authority.
- 18.20.030 Relationship to other requirements.
- 18.20.040 Definitions.
- 18.20.050 Application.
- 18.20.060 Minimum wage required.
- 18.20.070 Waivers; exemptions.
- ~~18.20.080 Review.~~
- 18.20.090 Exercise of rights protected; retaliation prohibited.
- 18.20.100 Notice and posting.
- 18.20.110 Employer responsibilities.
- 18.20.120 Enforcement.
- 18.20.130 Severability.

* * *

~~18.20.080 Review.~~

~~The City Manager is directed to prepare and present a proposal in year 2018, and every two years thereafter, to the City Council for a study to assess the impacts of the increase in the minimum wage upon, (a) small businesses, (b) minimum/low wage workers, and (c) the City's economy in the context of Pierce County and the greater Puget Sound region. The assessment is intended to be used by the City and business, labor, and community partners to determine strategies and goals to address the findings of the assessment, and for the City Council to consider adoption of identified goals as policies to strengthen small, local businesses and others, to develop policies that are part of the City's comprehensive campaign to reduce poverty.~~

* * *