



Legislation Passed October 31, 2023

The Tacoma City Council, at its regular City Council meeting of October 31, 2023, 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. 41285

A resolution setting Tuesday, November 21, 2023, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the proposed Ad Valorem and Emergency Medical Services tax levies for 2024.

[Reid Bennion, Budget Officer; Andy Cherullo, Director, Finance]

Resolution No. 41286

A resolution setting Tuesday, November 21, 2023, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the proposed modifications to the 2023-2024 Biennial Operating Budget and the 2023-2024 Capital Budget.

[Reid Bennion, Budget Officer; Andy Cherullo, Director, Finance]

Resolution No. 41287

A resolution awarding a contract to AA Asphaltting, LLC, in the amount of \$5,783,216.00, plus applicable taxes, plus a 15 percent contingency, budgeted from various departmental funds, for on-call asphalt and concrete paving and associated services, for an initial contract period of three years, with the option to renew for one additional one-year period, for a projected contract total of \$6,650,698.40 - Specification No. CT23-0087F.

[Patsy Best, Procurement and Payables Division Manager;
Andy Cherullo, Director, Finance]

Resolution No. 41288

A resolution declaring surplus and authorizing the execution of a Quit Claim Deed to convey vacant, undeveloped residential land, located at 6729, 6732, 6733, and 6737 South Proctor Street, to Louis Rudolph Homes LLC, for the amount of \$760,000.

[Felicia Medlen, Housing Division Manager; Jeff Robinson, Director,
Community and Economic Development]

Ordinance No. 28875

An ordinance vacating a portion of South Madison Street, lying south of South 40th Street, and a portion of South 50th Street, lying west of South Madison Street, to facilitate development of an industrial park and associated storm ponds, utility extensions, and parking facilities.

(Bridge Point Tacoma, LLC; File Nos. 124.1432 and 124.1442)

[Jeff H. Capell, Hearing Examiner]

Ordinance No. 28910

An ordinance amending Title 6 of the Municipal Code, relating to the Tax and License Code, by amending Chapter 6B.10, entitled "General License Provisions", and Chapter 6B.20, entitled "Annual Business License", to decrease the late filing penalty on business license fees, strengthen license requirements and enforcement tools, and clarify administrative provisions of the licensing code; and by amending various chapters to update language and address areas of inconsistency.

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



RESOLUTION NO. 41285

1 A RESOLUTION relating to revenue sources; setting Tuesday, November 21,
2 2023, upon completion of Regular Agenda Items, no earlier than 5:15 p.m.,
3 as the date for a public hearing on the proposed Emergency Medical
4 Services (“EMS”) tax levy for 2024 and the proposed Ad Valorem tax levy
5 for 2024.

6 WHEREAS RCW 84.55.120 requires that a taxing district, other than the
7 state, that collects regular levies shall hold a public hearing on revenue sources for
8 the district’s following year’s current expenses budget, and
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10 WHEREAS the hearing must include consideration of possible increases in
11 property tax revenues and shall be held prior to the time the taxing district levies the
12 taxes or makes the request to have the taxes levied; Now, Therefore,

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

14 Section 1. That the hearing required by RCW 84.55.120, for the purpose of
15 setting the proposed Emergency Medical Services (“EMS”) tax levy for 2024 and
16 the proposed Ad Valorem tax levy for 2024, shall commence on Tuesday,
17 November 21, 2023, upon completion of Regular Agenda Items, no earlier than
18 5:15 p.m., in the City Council Chambers, First Floor, Tacoma Municipal Building,
19 747 Market Street, Tacoma, Washington.
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Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 41286

1 A RESOLUTION relating to the Biennial Budget; setting Tuesday, November 21,
 2 2023, upon completion of Regular Agenda Items, no earlier than 5:15 p.m.,
 3 as the date for public hearings by the City Council on the proposed
 4 modifications to the 2023-2024 Biennial Budget Mid-Biennium modification,
 5 and 2023-2024 Capital Budget modification.

6 WHEREAS RCW 35.34.130 provides that the legislative body of the City
 7 will meet no sooner than eight months after the start nor later than the conclusion
 8 of the first year of the fiscal biennium for the purpose of a mid-biennial review and
 9 modification of the biennial budget, and

10 WHEREAS RCW 35.34.130 also provides that a public hearing must be
 11 held on the proposed budget modifications, and that copies shall be furnished to
 12 the City’s legislative authority and to any taxpayer who shall call and request the
 13 same, and

14 WHEREAS proposed amendments to the Comprehensive Plan are
 15 considered annually by the Planning Commission and City Council, and, with few
 16 exceptions, RCW 36.70A.130(2)(a) requires that all proposed Plan amendments be
 17 reviewed concurrently and no more frequently than once per year, and

18 WHEREAS state law provides an exception for an amendment to the Capital
 19 Facilities Element of the Comprehensive Plan, which may be adopted separately
 20 from other amendments to the Comprehensive Plan if adoption occurs concurrently
 21 with the adoption or amendment of the City’s budget; Now, Therefore,

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

23 Section 1. That a public hearing on the proposed amendments to the City
 24 of Tacoma’s 2023-2024 Biennial Budget Mid-Biennium modification, shall be held
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before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 21, 2023, no earlier than 5:15 p.m.

Section 2. That a public hearing prescribed pursuant to RCW 36.70A.035, for the purpose of considering proposed amendments to the 2023-2024 Capital Budget modification, shall commence on Tuesday, November 21, 2023, no earlier than 5:15 p.m., in the City Council Chambers, First Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, Washington.

Section 3. That the City Clerk shall give proper notice of the time and place of said hearings.

Adopted _____

Mayor

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 41287

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 AA Asphaltting, LLC, in the amount of \$5,783,216.00, plus applicable taxes,
4 plus a 15 percent contingency, budgeted from various departmental funds,
5 to provide on-call asphalt and concrete paving and associated services, for
6 an initial contract period of three years, with the option to renew for one
7 additional one-year period, for a projected contract total of \$6,650,698.40,
8 pursuant to Specification No. CT23-0087F.

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 AA Asphaltting, LLC, in the amount of \$5,783,216.00, plus
21 applicable taxes, plus a 15 percent contingency, budgeted from various
22 departmental funds, to provide on-call asphalt and concrete paving and associated
23 services, for an initial contract period of three years,
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with the option to renew for one additional one-year period, for a projected contract total of \$6,650,698.40, pursuant to Specification No. CT23-0087F, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Interim City Attorney



RESOLUTION NO. 41288

1 A RESOLUTION relating to surplus property, authorizing the Declaration of
2 Surplus and execution of a Quit Claim Deed to convey the parcel located
3 at 6729, 6732, 6733, and 6737 South Proctor Street to Louis Rudolph
4 Homes, LLC, for the amount of \$760,000.

5 WHEREAS the property located at 6729, 6732, 6733, and 6737 South
6 Proctor Street ("Property"), as more particularly described in Exhibit "A," was
7 acquired with funds from the Urban Development Action Grant loan fund
8 administered by and within the budget of the Department of Community and
9 Economic Development, and

10 WHEREAS the acquisition allowed for the payoff of a local improvement
11 district ("LID") liability that was encumbering property, and

12 WHEREAS the proposed purchaser, Louis Rudolph Homes, LLC, plans to
13 build housing on the Property, a portion of which will become affordable housing
14 for low income households, and

15 WHEREAS the City must dispose of City-owned surplus property pursuant
16 to the City's Policy for the Sale/Disposition of City-owned General Government
17 Real Property, and

18 WHEREAS, there being no foreseeable need for continued City ownership
19 of the Property, the sale of said Property appears to be in the best interests of
20 the City, pending final approval from the City Council; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That continued ownership of the City real property located at 6729, 6732, 6733, and 6737 South Proctor Street, as more particularly described in Exhibit "A," is not essential to the needs of the City and is hereby declared surplus pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Quit Claim Deed and any other documents necessary to convey the subject property to Louis Rudolph Homes, LLC for the amount of \$760,000, 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:

Legal Description Approved:

Deputy City Attorney

Chief Surveyor
Public Works Department



EXHIBIT "A"

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PARCEL NOS. 9260000930, 9260000971, 9260000972, and 9260000980

Lots 16, 17 and 18, Block 21, Villa Park Addition, according to the Plat thereof recorded in Volume 5 of Plats page(s) 60, records of Pierce County, Washington;

Lots 13 through 21, Block 22, Villa Park Addition, according to the Plat thereof recorded in Volume 5 of Plats page(s) 60, records of Pierce County, Washington.



ORDINANCE NO. 28875

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a portion
4 of South Madison Street, lying south of South 40th Street, and a portion
5 of South 50th Street, lying west of South Madison Street, to facilitate
6 development of an industrial park and associated storm ponds, utility
7 extensions, and parking facilities; and adopting the Hearing Examiner's
8 Findings, Conclusions, and Recommendations related thereto.

9 WHEREAS all steps and proceedings required by law and by
10 resolution of the City Council to vacate the portion of the right-of-way
11 hereinafter described have been duly taken and performed; Now, Therefore,

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing Examiner's
14 Findings, Conclusions, and Recommendations as contained in the Hearing
15 Examiner's Report and Recommendation to the City Council bearing File
16 Nos. 124.1432 and 124.1442 and dated February 6, 2023, which Report is on
17 file in the office of the City Clerk.
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Section 2. That a portion of South Madison Street, lying south of South 40th Street, and a portion of South 50th Street, lying west of South Madison Street, legally described as follows:

MADISON VACATION AREA

A 60 FOOT WIDE STRIP LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24 AND THE EAST HALF OF SECTION 13, ALL IN TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON, WHICH INCLUDES A PORTION OF THE EASTERLY 60 FEET OF TRACT 19 AND THE EAST 60 FEET OF TRACTS 20 THROUGH 25, INCLUSIVE, OF EXCELSIOR PARK TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS AT PAGE(S) 128, RECORDS OF PIERCE COUNTY, WASHINGTON,

DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF PARCEL A, CITY OF TACOMA BOUNDARY LINE ADJUSTMENT NO. MPD2008-40000112398, UNDER RECORDING NUMBER 200810275003, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 88°36'33" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL A, 60.00 FEET;
THENCE NORTH 01°35'59" EAST, 1393.23 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;
THENCE NORTH 08°11'10" EAST, 665.35 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;
THENCE NORTH 01°40'09" EAST, 629.77 FEET TO THE SOUTHERLY MARGIN OF SOUTH 40TH STREET; THENCE SOUTH 88°15'36" EAST ALONG SAID SOUTHERLY MARGIN, 60.00 FEET; THENCE SOUTH 01°40'09" WEST, 633.11 FEET



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MORE OF LESS TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 08°11'10" WEST, 665.32 FEET MORE OF LESS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 01°35'59" WEST, 1389.56 FEET TO THE POINT OF BEGINNING.

SOUTH 50TH VACATION AREA

A 60-FOOT-WIDE STRIP LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON, LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF THE J. NEISSON DONATION LAND CLAIM NO. 40 AND WEST OF THE WESTERLY MARGIN OF MADISON STREET,

DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF PARCEL A, CITY OF TACOMA BOUNDARY LINE ADJUSTMENT NO. MPD2008-40000112398, UNDER RECORDING NUMBER 200810275003, RECORDS OF PIERCE COUNTY, WASHINGTON;
THENCE NORTH 88°36'33" WEST ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL A, 60.00 FEET TO A POINT ON THE WESTERLY MARGIN OF MADISON STREET; THENCE ALONG SAID WESTERLY MARGIN SOUTH 01°35'59" WEST, 652.30 FEET TO A POINT ON THE SOUTH LINE OF TRACT 17 OF EXCELSIOR PARK TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2 OF PLATS AT PAGE 128, IN PIERCE COUNTY WASHINGTON, BEING 60.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID TRACT 17 AND BEING THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WESTERLY MARGIN SOUTH 01°35'59" WEST, 60.00 FEET TO THE NORTH LINE OF SAID J. NEISSON DONATION LAND CLAIM NO. 40;
THENCE ALONG SAID NORTH LINE NORTH 88°38'31" WEST, 531.30 FEET TO THE NORTHWEST CORNER OF SAID



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J. NEISSON DONATION LAND CLAIM NO. 40 AND THE EAST LINE OF A PORTION OF SOUTH 50TH STREET VACATED PER RECORDING NUMBER 9408220141, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID J. NEISSON DONATION LAND CLAIM NO. 40 NORTH 01°25'06" EAST, 60.00 FEET TO THE SOUTH LINE OF SAID TRACT 17; THENCE ALONG SAID SOUTH LINE SOUTH 88°38'31" EAST, 531.49 FEET TO THE POINT OF BEGINNING.

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

Public Works/Traffic Engineering

An easement requiring a loop connecting South Burlington Way to Madison Street, which would require a dedication, would have to be reserved. Any dead-end streets must terminate in a turnaround that meets Tacoma Right-of-Way Design Manual, which is typically a cul-de-sac wholly in the right-of-way.

Tacoma Water

A City utility easement must be reserved over the southerly 150 feet of the Madison Vacation Area, which easement must include the following requirements:

- a) Petitioner/Property Owner/Developer will need to maintain clearances from Tacoma Water's facilities.



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- b) A minimum 10 feet of clearance must be maintained from any mains, and a minimum 5 feet of horizontal clearance and minimum 1-foot of vertical clearance must be maintained from any hydrants.
- c) If existing Tacoma Water facilities need to be relocated or adjusted, they will be relocated by Tacoma Water at the Petitioner/Property Owner/Developer's expense.
- d) Tacoma Water facilities must remain accessible at all times. Any damage to Tacoma Water facilities will be repaired by Tacoma Water crews at the expense of the Petitioner/Property Owner/Developer.

Environmental Services

Madison Vacation Area

A 60-foot-wide City utility easement centered on the existing wastewater pipes will need to be reserved. Specifically, the Madison Vacation Area includes three 48-inch wastewater Segments 6263889, 6264280, and 6264229, that will need to have (an) easement(s) reserved for them and that those easement(s) must remain in place unless and until the Petitioner/developer reroutes the segments outside the proposed Vacation Area at its own expense.



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South 50th Vacation Area

A 25-foot-wide City utility easement will need to be reserved in the street vacation ordinance for ES wastewater assets (6270739 and 6257541) within the South 50th Vacation Area. The reserved easement must include the right to enter, maintain, replace, and/or repair the wastewater assets.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: A portion of South Madison Street, lying south of South 40th Street, and a portion of South 50th Street, lying west of South Madison Street.
Petitioner: Bridge Point Tacoma, LLC
Request Nos.: 124.1432 and 124.1442



ORDINANCE NO. 28910

1 AN ORDINANCE amending Title 6 of the Municipal Code, relating to the Tax and
 2 License Code, by amending Chapter 6B.10, entitled “General License
 3 Provisions”, and Chapter 6B.20, entitled “Annual Business License”, to
 4 decrease the late filing penalty on business license fees, strengthen license
 5 requirements and enforcement tools, and clarify administrative provisions of
 the licensing code; and by amending various chapters to update language
 and address areas of inconsistency.

6 WHEREAS the Finance Department’s Tax & License Division
 7 recommendation is based on a comprehensive review of Title 6 of the Tacoma
 8 Municipal Code (“TMC”), and

9 WHEREAS an extensive review is conducted approximately every five
 10 years to ensure the TMC language is clear in application, up to date with current
 11 practice, and administratively workable, and

12 WHEREAS additionally, Substitute Ordinance No. 28838 was passed in
 13 November 2022, which added two new business licensing tiers and increased
 14 business license fees in 2023 and 2024, substantially increasing the amount of
 15 penalty assessed on business license fees paid after the due date; Now, Therefore,

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 18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That Title 6 of the Municipal Code, entitled the Tax and
 20 License Code, is hereby amended by amending various chapters to clean up
 21 language throughout, and by amending Chapter 6B.10, relating to “General
 22 License Provisions,” and Chapter 6B.20, relating to “Annual Business
 23 Licenses,” are hereby amended, as set forth in Exhibit “A,” which exhibit is
 24 incorporated as though fully set forth herein, to decrease the late filing penalty
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on business license fees, strengthen license requirements and enforcement tools, and clarify administrative provisions of the licensing code.

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

CHAPTER 6A.10
GENERAL TAX PROVISIONS

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6A.10.020 Tax definitions.

The following definitions apply to each section in this subtitle of the Tacoma Municipal Code ("TMC"):

"Calendar year" means January 1 through December 31 of each year.

"Cash basis" means a basis of accounting which recognizes revenues and expenses as occurring in the reporting period when they were actually either received or paid.

"Certificate" means "license certificate" as defined in Subtitle 6B.10.

"Charitable organization" means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington ("RCW") and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.

"City" means the City of Tacoma and all of its departments, including Tacoma Public Libraries and Tacoma Public Utilities. It does not include the Metropolitan Park District of Tacoma, Port of Tacoma, Tacoma School District, or Tacoma Housing Authority, which are separate municipal corporations.

"Department" means the Tax and License Division of the Finance Department of the City or any successor department.

"Director" means the Director of the Finance Department of the City or, the Director's designee, which shall be an employee of the Finance Department.

"Gambling" means any activity included in the provisions of RCW 9.46.0237.

"Generally accepted accounting principles" means those national accounting standards promulgated by the Financial Accounting Standards Board for businesses and nonprofit associations or by the Governmental Accounting Standards Board for state agencies or local governments.

"Gross income" means the value proceeding or accruing by reason of the transaction of business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidence of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments, however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued without any deduction on account of losses.

"Gross receipts" has the same meaning as gross income.

"Liquor" shall have the same meaning as RCW 66.04.010.

"Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company,



association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

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“Records” means the books of accounts and other business-related records of a taxpayer subject to the City’s Tax Code or License Code. Such records include ledgers, subsidiary ledgers, invoices, receipts, registration and incorporation documents, federal, state and local tax returns, and any other records necessary to establish the amounts due under the provisions of the City’s Code.

“Reporting period” means:

1. A one-month period beginning the first day of each calendar month (monthly reporting period); or
2. A three-month period beginning the first day of January, April, July, or October of each year (quarterly reporting period); or
3. A twelve-month period beginning the first day of January of each year (annual reporting period).

“Return” means any document a person is required by the City to file to satisfy or establish a tax obligation that is administered or collected by the City and that has a statutorily defined due date.

“Successor” means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of business of the taxpayer’s business, any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

“Tax” means the amount, usually based upon gross income, assessed upon a person doing business under the provisions of Subtitle 6A of the TMC for the privilege of doing business in the City.

“Tax Code” means the Subtitle 6A of the TMC.

“Tax year” or “taxable year” means the calendar year.

“Taxpayer” means any person subject to the provisions of Subtitles 6A and/or 6B of the TMC, regardless of whether they owe or have previously paid taxes to the City.

* * *

6A.10.080 Public work contracts – Payment of tax before final payment for work.

The Director may, before issuing any final payment to any person performing any public work contract for the City, require such person to pay in full all taxes, interest, and penalty due under this subtitle from such person on account of such contract or otherwise, and may require such taxpayer to file with the Director a verified list of all subcontractors supplying labor and/or materials to the person in connection with said public work.

* * *

6A.10.095 Time in which assessment may be made.

The Director shall not assess or correct an assessment for additional taxes, penalties, or interest due more than four years after the close of the calendar year in which they were incurred, except that the Director may issue an assessment:



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- A. Against a person who is not currently registered or has not filed a tax return as required by this title for taxes due within the period commencing ten years prior to the close of the calendar year in which the person registered with the City;
- 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.

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6A.10.180 Service of notices.

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

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**CHAPTER 6A.20
ADMISSION TAX**

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6A.20.060 Collection and payment of tax.

Any person who receives any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment and shall remit the same as herein provided. The tax required to be collected under this chapter shall be deemed to be held in trust by the one required to collect the same until paid to the City as herein provided.

Any person required to collect the tax imposed under this chapter who fails to collect the same, or having collected the same, fails to remit the same to the City in the manner prescribed by this chapter, whether such failure be the result of the person's own act or the result of acts or conditions beyond their control, shall nevertheless be personally liable to the City for the amount of such tax.

The tax imposed hereunder shall be collected at the time admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the Director in quarterly or monthly installments. Whenever any theater, circus, show, exhibition, entertainment, or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a transitory or temporary nature, of which the Director shall be the judge, the Director shall require the report and remittance of the admission tax immediately upon the collection of same, at the conclusion of the performance or exhibition, or at the conclusion of a series of performances or exhibitions, or at such other time as the Director shall determine.

The Director may require, prior to a license being given of a temporary or transitory nature, a sum of money or bond in lieu thereof conditioned upon the faithful compliance with the provisions of this chapter, in an amount to be determined by the Director, sufficient to cover the amounts which shall become due and owing to the City upon conclusion.

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**CHAPTER 6A.60
GAMBLING TAX**

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6A.60.080 Method of payment.

The tax imposed by this chapter shall be due and payable in monthly installments. Persons with gross income of less than \$20,000 per month, may pay the tax imposed by this chapter in quarterly installments.

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**CHAPTER 6A.70
LOCAL OPTION TAXES**

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Sections:

- 6A.70.005 Administrative Provisions
- 6A.70.010 Sales or use tax – Imposition.
- 6A.70.020 Sales or use tax – Rate.
- 6A.70.030 Additional sales or use tax – Imposition.
- 6A.70.040 Additional sales or use tax – Rate.
- 6A.70.041 Additional sales or use tax for housing and related services – Imposition.
- 6A.70.042 Additional sales or use tax for housing and related services – Rate.
- 6A.70.045 Additional sales or use tax for mental health treatment – Imposition.
- 6A.70.046 Additional sales or use tax for mental health treatment – Rate.
- 6A.70.047 Credit against state’s share of tax – sales use tax for affordable housing – Imposition.
- 6A.70.048 Credit against state’s share of tax – sales use tax for affordable housing – Rate.
- 6A.70.050 Leasehold excise tax – Imposition.
- 6A.70.060 Leasehold excise tax – Rate.
- 6A.70.070 Leasehold excise tax – Exemptions.
- 6A.70.080 Real estate excise tax – Imposition.
- 6A.70.090 Real estate excise tax – Rate.
- 6A.70.100 Additional real estate excise tax – Imposition.
- 6A.70.110 Additional real estate excise tax – Rate.
- 6A.70.120 Administration and collection of taxes.
- 6A.70.130 Inspection of records.
- 6A.70.140 Contract with the state authorized.

6A.70.005 Administrative Provisions

Chapter 6A.10 General Tax Provisions do not apply to this chapter.

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**CHAPTER 6A.80
SPECIAL EXCISE TAX**

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Sections:

- 6A.80.005 Administrative Provisions
- 6A.80.010 Imposition of special excise taxes.
- 6A.80.020 Definitions.
- 6A.80.030 Administration and collection of taxes.
- 6A.80.040 Establishment of special funds.
- 6A.80.050 Effective date of tax.
- 6A.80.060 Reserve tax authority.
- 6A.80.070 Ratification or reimposition of tax.

6A.80.005 Administrative Provisions

Chapter 6A.10 General Tax Provisions do not apply to this chapter.

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CHAPTER 6A.110
PROPERTY TAX EXEMPTIONS FOR MULTI-FAMILY HOUSING

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Sections:

6A.110.005 Administrative Provisions

6A.110.010 Definitions.

6A.110.020 Property Tax Exemption – Requirements and Process.

6A.110.005 Administrative Provisions

Chapter 6A.10 General Tax Provisions do not apply to this chapter.

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**CHAPTER 6B.30
ADULT ENTERTAINMENT**

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2 **6B.30.070 License applications.**

3 A. Adult entertainment establishment license.

4 1. Required Information. All applications for an adult entertainment establishment license shall be
5 submitted to the Finance Department in the name of the person or entity proposing to conduct the adult
6 entertainment establishment on the business premises, and shall be signed by such person or person's
agent and notarized or certified as true under penalty of perjury. All applications shall be submitted on a
form supplied by the City, which shall require the following information:

7 a. The name of the applicant, location, and doing-business-as name of the proposed adult entertainment
8 establishment, including a legal description of the property, street address, and telephone number,
together with the name and address of each owner and lessee of the property.

9 b. For the applicant and each applicant control person, provide: name(s), including any aliases and
previous names; driver's license number, if any; social security number, if any; business, mailing, and
residential address; and business telephone number.

10 c. If the applicant is a partnership, whether general or limited; and if a corporation, date and place of
11 incorporation, evidence that it is in good standing under the laws of Washington, and name and address of
any registered agent for service of process.

12 d. For the applicant and each applicant control person, list any other licenses currently held for similar
13 adult entertainment or sexually-oriented business, including motion picture theaters and panoramas,
whether from the City or another city, county, or state, and, if so, the names and addresses of all other
licensed business.

14 e. For the applicant and each applicant control person, list prior licenses held for similar adult
15 entertainment or other sexually-oriented businesses, whether from the City or another city, county, or
16 state, providing names, addresses, and dates of operation for such business, and whether any business
license or adult entertainment license has been revoked or suspended, and the reason therefore.

17 f. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures
18 within five years immediately preceding the date of the application, other than parking offenses or minor
traffic infractions, including the dates of conviction, nature of the crime, name and location of court, and
disposition.

19 g. For the applicant and all applicant control persons, a description of business, occupation, or
employment history for the three years immediately preceding the date of the application.

20 h. Authorization for the City, its agents, and employees to seek information to confirm any statements set
forth in the application.

21 i. Every applicant and applicant control person must consent to be fingerprinted for a state and federal
22 criminal background check, and shall submit with their application, a current full face photograph of the
applicant, or consent to a full face photograph taken by the director.

23 j. A scale drawing or diagram showing the configuration of the premises for the proposed adult
24 entertainment establishment, including a statement of the total floor space occupied by the business and
25 marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and
26 stations, restrooms, and service stations shall be clearly marked on the drawing. An application for a
license for an adult entertainment establishment shall include building plans which demonstrate
conformance with this chapter.



- 1 2. An application shall be considered complete upon the applicant's provision of all information
2 requested above, including identification of "none" where that is the correct response, and the applicant's
3 verification that the application is complete. The Finance Department may request other information or
4 clarification in addition to that provided in a complete application when necessary to determine
5 compliance with this chapter.
- 6 3. Each applicant shall verify, under penalty of perjury, that the information contained in the application
7 is true.
- 8 4. If any person or entity acquires, subsequent to the issuance of an adult entertainment establishment
9 license, a significant interest based on responsibility for management or operation of the licensed
10 premises or the licensed business, notice of such acquisition shall be provided in writing 21 days
11 following such acquisition. The notice to the Finance Department shall include the same information
12 required for an initial adult entertainment establishment license application.
- 13 5. The adult entertainment establishment license, if granted, shall state on its face the name of the person
14 or persons to whom it is issued, the expiration date, the doing-business-as name, and the address of the
15 licensed establishment. The license shall be posted in a conspicuous place at or near the entrance to the
16 adult entertainment establishment so that it can be easily read at any time the business is open.
- 17 6. No person granted an adult entertainment establishment license pursuant to this chapter shall operate
18 the establishment under a name not specified on the license, nor shall any person operate the
19 establishment at any location not specified on the license.
- 20 7. Upon receipt of the complete application and fee, the Finance Department shall provide copies to the
21 Police, Fire, Public Works, and Tacoma-Pierce County Health Departments for their investigation and
22 review to determine compliance of the proposed adult entertainment establishment with the laws and
23 regulations which each department administers. Each department shall, within 25 days of the date of such
24 application, inspect the application and premises and shall approve or deny the application. If the
25 application is denied by the Police, Fire, Public Works, or the Tacoma-Pierce County Health
26 Departments, each said department shall make a written report to the Finance Department on such
application and premises and give reasons why the application is failing to comply with the laws
administered by the department. No license may be issued unless each department reports that the
application and premises comply with relevant laws. In the event the premises are not yet constructed, the
department shall base their recommendation as to premises compliance on their review of the drawings
submitted in the application. Any adult entertainment establishment license approved prior to premises
construction shall contain a condition that the premises may not open for business until the premises have
been inspected and determined to be in substantial conformance with the drawings submitted with the
application. A department shall recommend denial of a license under this subsection if it finds that the
proposed adult entertainment establishment is not in conformance with the requirements of this chapter or
other law in effect in the City. A recommendation for denial shall cite the specific reason therefore,
including applicable laws.
8. An adult entertainment establishment license shall be issued by the Finance Department within 45 days
of the date of filing a complete license application and fee, unless the Finance Department determines that
the applicant has failed to meet any of the requirements of this chapter or provide any information
required under this subsection, or that the applicant has made a false, misleading, or fraudulent statement
of material fact on the application for a license. The Finance Department shall make a reasonable effort to
notify the applicant within five working days of application submittal if application is incomplete, and
shall grant an applicant's request for a reasonable extension of time in which to provide all information
required for a complete license application. If the Finance Department finds that the applicant has failed
to meet any of the requirements for issuance of an adult entertainment establishment license, the Finance
Department shall deny the application in writing and shall cite the specific reasons therefor, including
applicable law. If the Finance Department fails to issue or deny the license within 45 days of the date of
filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable
law, to operate the business for which the license was sought until notification by the Finance Department



that the license has been denied, but in no event may the Finance Department extend the application review time for more than an additional 20 days.

1 B. Application for manager or entertainer license.

2 1. Required information. No person shall work as a manager, assistant manager, or entertainer at an adult
3 entertainment establishment without an adult entertainment manager or entertainer license from the City.
4 All applications for a manager's or entertainer's license shall be signed by the applicant and presented to
5 the Finance Department with proper photo identification. All applications shall be submitted on a form
6 supplied by the City, which shall require the following information:

7 a. The applicant's name, home address, home telephone number, date and place of birth, social security
8 number, and any stage names, aliases, and nicknames used in entertaining or otherwise.

9 b. The name and address of each business at which the applicant intends to work.

10 c. Documentation that the applicant has attained the age of 18 years. Any two of the following shall be
11 accepted as documentation of age:

12 i. A motor vehicle operator's license issued by any state bearing the applicant's photograph, date of birth,
13 and signature;

14 ii. A state-issued identification card bearing the applicant's photograph and date of birth;

15 iii. An official passport issued by the United States of America;

16 iv. An immigration card issued by the United States of America; or

17 v. Any other identification that the City determines to be acceptable.

18 d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in
19 this or any other city, county, or state within five years immediately preceding the date of the application,
20 except parking violations or minor traffic infractions.

21 e. A description of the applicant's principal activities or services to be rendered.

22 f. Every manager, assistant manager, or entertainer must consent to be fingerprinted for a state and federal
23 criminal background check, and shall submit with their application, , a current full-face photograph of the
24 applicant to consent to a full face photograph taken by the Director. ,

25 g. Authorization for the City, its agents, and employees to investigate and confirm any statements set
26 forth in the application.

2. The Finance Department may request additional information or clarification when necessary to
determine compliance with this chapter.

3. A manager's or entertainer's license shall be issued by the Finance Department within 30 days from
the date the complete application and fee are received, unless the Finance Department determines that the
applicant failed to provide any information required to be supplied according to this chapter; has made
any false, misleading, or fraudulent statement of material fact in the application; or has failed to meet any
of the requirements for issuance of a license under this chapter. If the Finance Department has failed to
approve or deny an application for a manager's license within 30 days of filing a complete application,
the applicant may, subject to all other applicable laws, commence work as a manager in a duly licensed
adult entertainment establishment until notified by the Finance Department that the license has been
denied, but in no event may the Finance Department extend the application review time for more than an
additional 20 days.

4. Every adult entertainer shall provide their license or application to the adult entertainment
establishment manager on duty on the premises prior to the adult entertainer's performance. The manager
shall retain the licenses of the adult entertainers readily available for inspection by the City at any time
during business hours of the adult entertainment establishment.



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**CHAPTER 6B.40
ALARM DEVICES**

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Sections:

- 6B.40.010 Purpose.
- 6B.40.020 *Repealed.*
- 6B.40.030 Licenses required.
- 6B.40.035 Exemptions.
- 6B.40.040 Definitions.
- 6B.40.050 *Repealed.*
- 6B.40.060 *Repealed.*
- 6B.40.070 *Repealed.*
- 6B.40.080 Regulations.
- 6B.40.090 Prohibited alarm systems.
- 6B.40.100 *Repealed.*
- 6B.40.110 False alarm response fee.
- 6B.40.120 Fees.
- 6B.40.130 List of monitored alarm devices
- 6B.40.150 Duty to supply ordinances and information to system subscribers.
- 6B.40.160 *Repealed.*

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6B.40.035 Exemptions.

This chapter does not apply to “fire alarms” as defined in TMC 6B.40.040.

6B.40.040 Definitions.

Terms defined herein shall have the following meanings when used in this chapter:

“Alarm system” or “alarm device” means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or communication to an alarm system monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An alarm system or alarm device may consist of one or more components (e.g. motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. 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 an alarm system 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.

“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.



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“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.

“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. 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.

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

“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.



CHAPTER 6B.70
ENTERTAINMENT/DANCING – LIQUOR SERVED

1 Sections:

- 2 6B.70.005 Purpose.
3 6B.70.010 License required.
4 6B.70.020 Definitions.
5 6B.70.030 Classes of entertainment.
6 6B.70.040 Entertainment license fees.
7 6B.70.043 Exemptions – Entertainment/Dancing license
8 6B.70.045 Reports to the Fire Marshal.
9 6B.70.047 Reports to the Police Chief.
10 6B.70.048 Temporary events.
11 6B.70.049 Requirements and term for security personnel license.
12 6B.70.050 Licensing prohibited.
13 6B.70.055 Activity not permitted at establishments.
14 6B.70.060 Information required from corporations.
15 6B.70.070 Construction of chapter.

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17 **6B.70.020 Definitions.**

18 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.

19 B. “Entertainment” means an activity where the public, members, guests, patrons, entertainers, or other persons sing, perform, or otherwise engage in musical entertainment, presentation of recorded music played on equipment which is operated by an agent or contractor of an 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, 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. “Entertainment” includes “dancing.”

20 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 that provides “entertainment.”

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

22 E. “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.

23 F. “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.

24 G. “Temporary event” means an entertainment event in duration of less than 11 days.

25 H. “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
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State Liquor and Cannabis Board’s Mandatory Alcohol Server Training that can be applied to security personnel.

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I. “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 liquor 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.
- 10. A detailed description of the type of entertainment activity occurring at the establishment.

6B.70.043 Exemptions – Entertainment/Dancing license.

The following types of entertainment and events are exempt from the entertainment/dancing 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.70.049 Requirements and term for security personnel license.

- A. No person may work as security personnel at an entertainment or dancing establishment without obtaining a security personnel license.
- B. 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. Applicants previously licensed and fingerprinted will not be required to again be fingerprinted if reapplication is received within five years of initial licensing; and
 - 2. Submit payment of \$50 for the security personnel license.



1 C. Proof of attendance from a training program, as defined in this chapter, that is provided by the City,
must be submitted within 10 days from initial application or proof of a training program recognized by
the City may be submitted with the initial application.

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

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4 E. The security personnel license shall be effective as of the first day of the month regardless of the actual
date of issue and shall expire two (2) years from the effective date.

5 **6B.70.050 Licensing prohibited.**

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

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

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

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

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

17 5. For any reason in Section 6B.10.140 TMC.

18 B. Dancing and Entertainment Licenses.

19 1. The Director may deny, suspend, or revoke any dancing or entertainment license application for any of
the reasons in subsection A.

20 2. The Director may deny, suspend, or revoke any dancing or entertainment license application if the
Director reasonably concludes that the applicant will not comply with the provisions of the chapter or the
21 applicant's operation of the entertainment or dancing establishment will likely endanger public health or
safety. The Director may consider any relevant matter including illegal activity associated with the
22 applicant's operation of any other similar business or the conduct of the applicant's patrons inside or
outside a similar business that applicant operated.

23 3. The Director may deny, suspend, or revoke any license if:

24 a. the business is conducted by a manager or agent and the manager or agent could be denied a license if
they were the applicant;

25 b. the business is owned by a partnership and any of the partners could be denied a license; or

26 c. the business is owned by a corporation and a director, officer, or manager of the corporation could be
denied a license.



C. Any applicant who is denied a license under this chapter or any licensee whose license is suspended or revoked may appeal the denial, suspension, or revocation, as provided in Section 6B.10.140 TMC.

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6B.70.051 Exemptions – Security Personnel License

The following persons are exempt from the security personnel license required by this chapter.

A. A commissioned law enforcement officer or any person possessing a valid security guard license issued under chapter 18.170 RCW.

B. A person performing the functions of security personnel at a private club that has a valid “club license” issued by the Washington State Liquor and Cannabis Board and complies with all requirements of RCW 66.24.450 and chapter 314-40 WAC.

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**CHAPTER 6B.130
HOME OCCUPATIONS**

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6B.130.010 License required – Conditional home occupation agreement.

A. It is unlawful for any person to engage in a “home occupation,” as defined in TMC.13.01.060, within a residential building or building accessory thereto without first obtaining a license pursuant to the provisions of this chapter. Prior to issuance of said license, the Director must be satisfied that the applicant will be in conformance with applicable laws, including, but not limited to, the criteria set out in TMC 13.06.080, and the applicant must also manifest assent to comply with all applicable laws and regulations by entering into a Conditional Home Occupation Agreement provided by the Director which will contain the code and regulatory requirements most directly applicable to each applicant’s situation.

B. Both the license and the Conditional Home Occupation Agreement are personal to the original applicant, and may not be assigned. If there is a change of location of the licensed home occupation, the license holder need not obtain a new license, but is required to enter into a new Conditional Home Occupation Agreement. Should the type of home occupation be changed, the license holder must obtain a new license and enter into a new Conditional Home Occupation Agreement.

C. “Home occupation” means a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. The intent of this definition is to maintain consistency with Home Occupations as defined in TMC 13.01.060.

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6B.130.030 Exemptions.

The Conditional Home Occupation Agreement and fee assessed by the provisions of this chapter shall not apply to:

- A. Any charitable organization;
- B. Family day cares, short term rentals, and adult family homes as defined in TMC 13.01.060;
- C. Persons engaging in business of renting or leasing real property; or
- D. Persons whose gross business income is derived from service activity in or with the City generating annual gross income of less than \$1,000.
- E. Farmers, gardeners, or other persons selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person as outlined in RCW 36.71.090.

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

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6B.150.030 License requirements.

In lieu of a Fire Department inspection, the City will validate that current State of Washington and U.S. Department of Transportation (“DOT”) inspections that are required by state and federal law have been completed.. This will validate that safety features for the cargo tank are appropriate and functioning and that the safety features of the truck itself are in compliance with state and federal standards.



CHAPTER 6B.170
SALES – DOOR-TO-DOOR SOLICITING

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6B.170.040 Exemptions.

The provisions of this chapter shall not apply to:

A. Farmers, gardeners, or other persons selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person as outlined in RCW 36.71.090,

B. Merchants, grocers, or butchers who have a regular established place of business in the City or elsewhere and who do not engage in the making of sales from vehicles upon the streets or highways of the City.

C. Bona fide school or nonprofit fundraising activities.

D. Veterans pursuant to RCW 73.04.050.

E. Persons possessing a valid license issued by the State of Washington as long as the state license requirements include fingerprinting of the applicant and background check and the license has been issued for the service the person is soliciting (i.e. a real estate broker with a valid State of Washington Real Estate license is soliciting real estate broker services).



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

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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 denial of the application, the applicant shall be so notified pursuant to Section 6B.180.120.

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