Title 6
BUSINESS LICENSES AND REGULATIONS

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6.01 GENERAL LICENSING PROVISIONS

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I. GENERAL PROVISIONS

6.01.010 Definitions. For the purpose of all business license ordinances the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

A. "Certificate" means any certificate or renewal of certificate issued pursuant to any business license ordinance;

B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of the records and licensing services division, department of executive services, or his or her duly authorized representative. For all other business licenses, "director" means the director of the department of permitting and environmental review, or his or her duly authorized representative;

C. "License" means any license or renewal of license issued pursuant to any business license ordinance;

D. "Licensee" means any person to whom a license or renewal of license has been issued pursuant to any business license ordinance;

E. "Permit" means any permit or renewal of permit issued pursuant to any business license ordinance;

F. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity;

G. "Registrant" means any person to whom a registration or renewal of registration has been issued pursuant to any business license ordinance;

H. "Registration" means any registration or renewal of registration issued pursuant to any business license ordinance. (Ord. 17420 § 10, 2012: Ord. 15971 § 46, 2007: Ord. 14199 § 114, 2001: Ord. 1888 Art. I § 2, 1974).

6.01.030 Additional rules and regulations. The director is authorized to make and enforce rules and regulations, not inconsistent with the provisions of any business license ordinance, and it is unlawful to violate or fail to comply with any of the rules and regulations. All of such rules and regulations as promulgated by the director shall be reduced to writing and mailed to each licensee or permit holder for his information and for distribution to his registrants or employees. (Ord. 1888 Art. I. § 4, 1974).

6.01.040 Authority to suspend or revoke licenses, registration or permits. The director shall have the right to suspend or revoke any business license, registration or permit issued upon a showing of violation of any of the provisions of any business license ordinance; provided, however, that such suspension or revocation shall not relieve the licensee, registrant or permit holder of the other penalties otherwise provided for in any business license ordinance. (Ord. 1888 Art. V § 1, 1974: Ord. 997 § 1, 1971).

II. LICENSING PROVISIONS

6.01.050 License, registration or permit fee - Refunds. Any application or issuance or renewal of a license, registration or permit pursuant to any business license ordinance shall not be accepted by the director unless accompanied by the appropriate license, registration or permit fee. In the event an application for a license, registration or permit fee is refused, the amount tendered as the license, registration or permit fee shall not be returned to the applicant but shall go to the county to defray the cost of examination or investigation, or both; provided, however, that this section shall not apply to the fee paid for a novelty amusement device operator's license. (Ord. 1888 Art. II § 1, 1974).

6.01.060 Form of license, registration, permit or certificate. All licenses, registrations, permits or certificates, issued pursuant to any business license ordinance, shall be in a form prescribed by the director. (Ord. 1888 Art. II § 2, 1974).

6.01.070 Posting of license, registration, permit or certificate. Any license, registration, permit or certificate, issued pursuant to any business license ordinance, shall be posted in a conspicuous place in the place of business of the licensee, registrant, permit or certificate holder. (Ord. 1888 Art. II § 3, 1974).

6.01.080 Change of address. Any person licensed, registered or permitted pursuant to any business license ordinance shall notify the director of any change in his address, business name, or in the officers, directors, or partners of such person, within fourteen days of any such change. (Ord. 1888 Art. II § 4, 1974).

6.01.090 License, registration, permit or certificate not an endorsement. No license, registration, permit or certificate, issued pursuant to any business license ordinance, shall be an endorsement of such business licensed, registered, permitted or certificated under any business license ordinance. (Ord. 1888 Art. II § 5, 1974).

6.01.100 Enforcement agreements with other municipalities. The director is authorized to enter into agreements with any or all other municipal corporations in King County for the licensing and enforcement of local ordinances relating to businesses or entertainments licensed, registered or permitted pursuant to any business license ordinance; provided, that any municipal corporation entering into such an agreement shall enact an ordinance substantially similar to the applicable King County business license ordinance. (Ord. 1888 Art. II § 6, 1974).

III. ENFORCEMENT, PROCEDURE AND PENALTY PROVISIONS

6.01.110 Inspections - Right of entry.

A. The director is authorized to make such inspections and take such action as may be required to enforce the provisions of any business license ordinance.

B. Whenever necessary to make an inspection to enforce any of the provisions of any business license ordinance, or whenever the director has reasonable cause to believe that a licensee, registrant or permit holder is operating in violation of any business license ordinance, the director may enter such licensee's, registrant's or permit holder's place of business or entertainment, which is licensed, registered or permitted pursuant to any business license ordinance, at all reasonable times to inspect the same or perform any duty imposed on the director by any business license ordinance; provided, that, 1. if the place of business or entertainment is occupied, the director shall first present proper credentials and demand entry; and 2. if the place of business or entertainment is unoccupied, the director shall first make a reasonable effort to locate the licensee, registrant or permit holder or other person(s) having charge or control of the place of business or entertainment and demand entry.

C. No person shall fail or neglect, after proper demand, to admit the director, while acting within the scope of his employment, to any place of business or entertainment licensed, registered or permitted pursuant to any business license ordinance, or to interfere with the director while in the performance of his duty. (Ord. 1888 Art. III § 1, 1974).

6.01.120 Duties of the director. The director is authorized and directed to enforce the terms and provisions of all business license ordinances. If it is determined, by means of investigation or inspection, that any person has violated or failed to comply with any provision of any business license ordinance, then the director shall issue a notice and order recording such findings, specifying therein the particulars of any such violation or failure to comply. (Ord. 1888 Art. III § 2, 1974).

6.01.130 Notice and order.

A. The director shall issue a notice and order, pursuant to Section 6.01.120, directed to the person whom the director has determined to be in violation of any of the terms and provisions of any business license ordinance. The notice and order shall contain:

1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred;

2. A statement that the director has found the conduct of the person to be in violation of any business license ordinance, with a brief and concise description of the conditions found to render such person in violation of such business license ordinance;

3. A statement of any action required to be taken as determined by the director. If the director has determined to assess a civil penalty, the order shall require that the penalty shall be paid within a time certain from the date of the order as determined by the director to be reasonable;

4. A statement of any action taken by the director;

5. Statements advising a. that the person may appeal from the notice and order of any action of the director to the King County board of appeals, provided the appeal is made in writing as provided in this chapter and filed with the director within seven days from the date of service of such notice and order; and b. the failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B. The notice and order, and any amended or supplemental notice and order, shall be served upon the person either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to such person at his address as it appears on the license, registration or permit. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

C. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. (Ord. 1888 Art. III § 3, 1974).

6.01.140 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the license, registration or permit fee required of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified in this chapter. (Ord. 1888 Art. III § 4, 1974).

6.01.150 Appeals.

A. The King County board of appeals as established by Article 7 of the King County Charter is designated to hear appeals by parties aggrieved by actions of the director pursuant to any business license ordinance. The board may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the board shall be delivered to the director who shall make them freely accessible to the public. All decisions and findings of the board shall be rendered to the appellant in writing with a copy to the director.

B. Any person entitled to service pursuant to Section 6.01.130 of this chapter may appeal from any notice and order or any action of the director by filing at the office of the director within seven days from the date of service of such order, a written appeal containing;

1. A heading in the words: "Before the Board of Appeals of the County of King";

2. A caption reading: "Appeal of ....." giving the names of all appellants participating in the appeal;

3. A brief statement setting forth the legal interest of each of the appellants in the business or entertainment involved in the notice and order;

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;

6. The signatures of all parties named as appellants, and their official mailing addresses;

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. As soon as practicable after receiving the written appeal the board of appeals shall fix a date, time, and place for the hearing of the appeal by the board. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the director. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the clerk/manager of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

D. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the director.

E. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the hearing of the appeal.

F. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or any portion thereof.

G. Enforcement of any notice and order of the director shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (Ord. 1888 Art. III § 5, 1974).

6.01.160 Violations - Misdemeanor. Any person violating or failing to comply with any of the provisions of any business license ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed two hundred fifty dollars or by imprisonment in the King County jail for a period not to exceed ninety days.
(Ord. 1888 Art. III § 6, 1974).

6.01.170 Personal obligation. The civil penalty is a personal obligation of the licensee, registrant or permit holder. The prosecuting attorney, on behalf of King County, may collect the civil penalty by use of all appropriate legal remedies. (Ord. 1888 Art. III § 7, 1974).

6.01.180 Enforcement power. The director is authorized to take such lawful action, including the writing and issuance of misdemeanor citations, as may be required to enforce the provisions of any business license ordinance codified in this title. (Ord. 4514 § 1, 1979).

6.04 AMUSEMENT DEVICES

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I. NOVELTY AMUSEMENT DEVICES*

*Prior resolution history: Res. 11956, as amended by Res. 12715, 16484 and 3561. Gambling devices unlawful - See K.C.C. 12.56.

6.04.010 Definitions.

A. "Financial interest" means any direct or indirect ownership of the premises of business located therein through corporate stock ownership, partnership, trust or otherwise.

B. "Novelty amusement device" includes any coin-operated or remote controlled machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand propelled, designed to be used in whole or in part as an instrument or instrumentality for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose. Such novelty amusement device shall not be used for the

purpose of awarding any money or object of value to the player or players, and shall not contain any mechanism which varies the chance of winning free games or the number of free games which may be won, depending on the number of coins inserted into the device; provided that in no event shall a machine be licensed which is so designed and equipped as to render it of practical utility only as a device to be used for gambling.

C. "Novelty amusement device distributor" means any person who leases or rents to, or places with others, any novelty amusement device for use, play or operation.

D. "Novelty amusement device owner" means any person who owns a novelty amusement device and operates the device on premises owned or leased by said person.

E. "Novelty amusement device vendor" means any person who engages in the business of selling, exchanging or offering or exhibiting for sale or exchange, more than three novelty amusement devices in a year period.

F. "Substantial connection" means:

1. In a sole proprietorship, the individual owns, operates, manages or conducts, directly or indirectly, the applicant; or

2. In a partnership, the individual shares in any potential profits of the applicant; or

3. In a corporation, if the individual is an officer, director or a holder (directly or beneficially) of more than ten percent of any class of stock; or

4. The individual furnishes more than ten percent of the capital of such applicant, whether in cash, goods or services. (Ord. 2287 § 1, 1975: Ord. 69 § 1, 1969).

6.04.020 License required - Operation near schools prohibited. No novelty amusement device shall be operated or kept for operation in King County outside of the limits of incorporated cities and towns unless licenses for the operation thereof have been taken out as hereinafter required; provided, however, that in no event shall any novelty amusement device be operated within five hundred feet of any elementary, middle, junior high or high school. (Ord. 1684 § 1, 1973: Ord. 69 § 2, 1969).

6.04.030 Operation without licenses prohibited. No owner, operator or other person in charge of any place of business shall operate, or permit to be in such place of business for operation, any novelty amusement device unless such device is licensed pursuant to Sections 6.04.040 and 6.04.080. (Ord. 2287 § 2, 1975: Ord. 69 § 3, 1969).

6.04.040 License Fee. The license fee for each amusement device shall be $100 per year. License fees for less than one year shall be prorated. The fee for such license or portion thereof shall be payable on January 1st of each year. (Ord. 10170 § 1, 1991: Ord. 6260 § 2, 1982).

6.04.060 Novelty amusement device vendor's license.

A. No person shall engage in the business of selling or offering or exhibiting for sale more than three novelty amusement devices in a year without a novelty amusement device vendor's license; provided however, that the requirement for such license shall not exist where the director determines the intent of the seller, offeror or exhibitor is not to engage in this business. In determining this intent the director shall consider and weigh in a reasonable manner the following factors, to include but not be limited by:

1. Nature of the sale;
2. Parties to the sale;
3. Frequency of sales in the past;
4. Volume of the sale;
5. Bargaining position of the parties to the sale;
6. Position of the parties after the sale;
7. Affect of the license requirement on the parties;
8. Good faith of the parties;
9. Protection of buyer regarding servicing and maintenance of the device(s) if bond is not required.

The fee for such license shall be five hundred dollars per year payable on January 1st of each year or portion thereof.

B. Each applicant for a novelty amusement device vendor's license shall file with the director a surety bond in a form approved by the director, executed by a surety company authorized to do business in this state running to the county of King, state of Washington in the sum of ten thousand dollars conditioned that the applicant-vendor will furnish parts and repairmen to any person to whom he may sell any novelty amusement device for a period of two years after the sale. The bond shall state that it is for the use or benefit of the vendee who may have a cause of action against the vendor on the bond by reason of breach of the condition.

C. The director shall deny the application for a license if the applicant fails to satisfy the surety bond requirement. (Ord. 2287 § 6, 1975).

6.04.070 Application procedure. No license or renewal of any license provided for by this chapter shall be issued or renewed except upon written application to the director, signed and sworn to by the person who intends to utilize the license. Such application shall contain the following information:

A. The business name, business address and telephone number of the applicant;

B. In relation to each natural person having a substantial connection with such business:

1. True name and any other name by which commonly known,

2. Residence address and telephone number,

3. Date and place of birth,

4. Length of residence in King County; if less than one year then the prior address outside King County,

5. Nature of relationship to business,

6. Within ten years of date of application, has pleaded guilty to or been convicted of violating any ordinance, resolution or law other than traffic offenses, of any jurisdiction. If so, full circumstances thereof including but not limited to date, court and case disposition;

C. In relation to each corporation or partnership having a substantial connection with such applicant:

1. Name of the corporation or partnership,

2. Name of registered agent and address of registered office,

3. Primary office address, if different from above,

4. Date and place of incorporation or organization,

5. Date and place of filing of articles,

6. Nature of relationship to applicant,

7. Names and residence addresses of all officers, directors, limited or general partners, and holders (directly or beneficially) of more than ten percent of any class of stock;

D. Such other information as the director may reasonably require to determine the advisability of license issuance. (Ord. 2287 § 7, 1975).

6.04.090 Financial interest prohibited. No holder of a novelty amusement device distributor's license shall have any financial interest in the premises whereon said distributor leases, rents or places a novelty amusement device. (Ord. 2287 § 8, 1975).

6.04.100 Denial of licenses. The director may deny issuance of any license under this chapter if the applicant or any of its officers, directors or partners have:

A. Made any false statement in the application;

B. Committed any act, while unlicensed, for which a license is required under the provisions of this chapter;

C. Committed any act resulting in a conviction within ten years of a felony or a crime involving moral turpitude which is reasonably related to the license applied for;

D. Been refused a license or had a license revoked under the provisions of this chapter; provided however, that any applicant denied a license may reapply after six months, if the basis for denial no longer exists;

E. Not resided in the state of Washington for at least five years prior to an application for a novelty amusement device distributor's license;

F. Failed to comply with the building, zoning and fire codes of King County. (Ord. 2287 § 9, 1975).

6.04.110 Suspension or revocation of licenses. The director may suspend or revoke any license under this chapter if the applicant or any of its officers, directors or partners have:

A. Committed any act which is a ground for denial of any license under this chapter;

B. Violated any of the provisions of this chapter. (Ord. 2287 § 10, 1975).

6.04.120 Effective date. The provisions of this chapter shall not become effective until January 1, 1975; provided however, that any person desiring to apply for a novelty amusement device owner's license may do so and may be granted such license upon compliance with the provisions of this chapter; and further provided, that any person holding a license in 1974 pursuant to King County Code Section 6.04.030, who applied for such license after June 30, 1974, shall be credited by the county for the 1975 license year in the amount of two thousand five hundred dollars. (Ord. 2287 § 11, 1975).

6.04.130 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee;

For a license, registration or permit requiring a fee of fifty cents or more, but less than one thousand dollars - ten percent of the required fee;

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.04.140 Violation - Misdemeanor. Any violation of this article constitutes a misdemeanor and the punishment shall be as provided by the laws of the state of Washington. (Ord. 126 (part), 1969: Ord. 69 § 17, 1969).

6.04.150 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of
the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.04.160 Additional enforcement. Notwithstanding the existence or use of any other remedy the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

II. SHUFFLEBOARDS

6.04.170 Shuffleboard defined. For the purpose of this chapter the word "shuffleboard" means any game consisting of a raised table or platform in the shape of an elongated rectangle which is supported on legs or a frame and which has surfaces with scoring areas and which is played by a hand-propelled ball, disk, puck or similar object, and the winner or score is calculated by the resulting positions of such ball, disk, puck or similar object. Shuffleboards owned by establishment owners may be coin operated under the control of the establishment owner or his authorized representative and subject to inspection by the Division of Business Licenses. An owner of an establishment may own his own shuffleboard to be used only on those premises. He shall be required to pay a location license fee. (Ord. 1176 § 1, 1972: Res. 12714 § 1, 1951).

6.04.180 License required - Fee. No shuffleboard shall be operated or kept for operation in King County outside of the limits of incorporated cities and towns unless a license for the operation thereof has been taken out as hereinafter provided, and the license fee for each shuffleboard shall be $50.00 per year. (Ord. 10170 § 2, 1991: Ord. 1982 § 1, 1974: Res. 12714 § 2, 1951).

6.04.190 Display, removal and transfer of license. Licenses shall be furnished in a form suitable to be attached to the shuffleboard licensed thereby. No such license shall be removed or detached from one shuffleboard and transferred to another. (Ord. 1888 Art. V § 6, 1974: Res. 12714 § 3, 1951).

6.04.200 Information required on application for license - Qualifications required of applicant. The licenses set forth in this article shall be issued only upon written application therefor, which application shall be presented to the director, upon forms provided by him, and must state the names and residences of the owners and parties who operate, maintain or offer for use or play any such shuffleboard, the location where each of the same is to be operated, maintained or offered for use or play, and the number of shuffleboards at each location, and the license shall only be issued to applicants of good moral character and financial responsibility. If the applicant is a copartnership, each partner must possess the above qualifications. If applicant is a corporation, the corporation must be licensed to do business in the state of

Washington, and its officers, manager and/or agents must possess the qualifications set forth in this section. (Ord. 1888 Art. V § 7, 1974: Res. 12714 § 4, 1951).

6.04.210 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit, as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

A. For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars, twenty percent of the required fee;

B. For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars, ten percent of the required fee;

C. For a license, registration or permit requiring a fee of one thousand dollars or more, five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.04.220 Penalty for violation - Confiscation of shuffleboard. Any person violating any of the terms of this article shall, upon conviction thereof, be fined in the sum of not less than fifty dollars nor more than three hundred dollars or imprisoned in the county jail for not more than ninety days, or both, and any shuffleboard being operated, maintained, kept or displayed in violation of this article shall, in the discretion of the court before which the violation is prosecuted, be confiscated by King County. (Res. 12714 § 7, 1951).

6.04.230 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation, to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.04.240 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art IV § 2, 1974).

6.08 AMUSEMENT PLACES

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6.08.150 Limitation of liability.

6.08.010 Definitions. For the purpose of this chapter, "public place of amusement," "public amusement/entertainment," and "public entertainment" mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, direct or indirect, but not including adult entertainment businesses. (Ord. 13548 § 29, 1999: Ord. 9915 § 9, 1991: Ord. 7216 § 2, 1985: Ord. 5410 § 1, 1981: Ord. 5304 § 1, 1981: Ord. 4206 § 3, 1979).

6.08.020 License required - fee. A public place of amusement shall not be operated or maintained in King County, outside the limits of incorporated cities and towns, unless the owner or lessee thereof has obtained a license from the director, as follows:

Type of Entertainment		**Fee**
Miscellaneous (Includes, but is not limited to): Live Entertainment; music (other than mechanical); boxing or wrestling exhibition skating; video arcades; pool halls; bowling alleys; public more of miscellaneous race tracks, dragstrips, automobile or otherwise.		$200.00 per year, 100.00 per 6 mos. or 50.00 per one night (covers one or skating rinks; shooting galleries; entertainment).
Amusement Parks – Permanent		
For one to ten units, inclusive		200.00 per year or 100.00 per 6 mos.
For more than ten units		400.00 per year or 200.00 per 6 mos.
Carnivals		
For one to ten units, inclusive		40.00 per day
For more than ten units		100.00 per day

NOTE: Units are defined as (a) rides; (b) sideshows; (c) merchandise or food concessions.
(Ord. 13548 § 30, 1999: Ord. 10170 § 3, 1991: Ord. 7216 § 3, 1985: Ord. 5304 § 2, 1981: Ord. 4270 § 3, 1979: Ord. 1888 Art. V § 8, 1974: Res. 8655 (part), 1943: Res. 6574 (part), 1937).

6.08.021 License investigation. The director shall determine whether an application under K.C.C. 6.08.020 complies with all applicable fire, building and zoning codes of King County. (Ord. 17420 § 11, 2012: Ord. 13548 § 31, 1999: Ord. 9915 § 11, 1991).

6.08.022 Standards for denial of license. The director shall deny any public amusement/entertainment license applied for under this chapter for any of the following reasons and shall notify the applicant in writing of the grounds for the denial and the opportunity to appeal:

A. The applicant knowingly made a false, misleading or fraudulent omission or representation of material fact on the application for the license;

B. The proposed a place of business or establishment to be licensed does not comply with all applicable requirements of the fire, building and zoning codes of King County. (Ord. 13548 § 32, 1999: Ord. 9915 § 12, 1991).

6.08.030 Due date for license fees. All license fees required by K.C.C. 6.08.020 are due and payable to the records and licensing services division at least twenty days before the opening of entertainment. (Ord. 15971 § 47, 2007: Ord. 13548 33, 1999: Ord. 7216 § 5, 1985: Ord. 1888 Art. V § 9, 1974: Res. 6574 (part), 1937).

6.08.042 License applications – public amusement/entertainment license. An application for a public amusement/entertainment license must be submitted in the name of the person or entity proposing to provide such public amusement/entertainment on the business premises and shall be signed by such person or his agent and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, which shall require the following information:

A. The name, current residential and mailing addresses, and date and place of birth of the applicant if the applicant is an individual, the partners if the applicant is a partnership and the officers and directors if the applicant is a corporation;

B. The business name, address and telephone number of the establishment;

C. If the applicant is a corporation, limited liability company or partnership, the legal name of the entity, the date and place of incorporation or formation, and the name and address of any registered agent for service of process;

D. Whether the applicant proposes to serve any alcoholic beverages on the premises and the status of the business's liquor license or application for a liquor license issued by the Washington State Liquor Control Board; and

E. The nature of the business conducted on the premises and the proposed public amusement/entertainment. (Ord. 13548 § 34, 1999: Ord. 9915 § 10, 1991: Ord. 7216 § 6, 1985).

6.08.043 License display. The public entertainment/amusement license issued under this chapter shall be prominently displayed on the licensed premises. (Ord. 13548 § 35, 1999: Ord. 9915 § 14, 1991).

6.08.070 Business hours. No public entertainment shall be conducted between the hours of two-thirty a.m. and ten a.m., provided that, public dancing and those activities related to public dancing licensed by King County such as live musical entertainment shall be permitted until four a.m. in establishments which have a class "H" liquor license and are in an area within both 2000 feet of Sea-Tac International Airport and 500 feet of a state highway. (Ord. 7070 § 1, 1984: Res. 6574 (part), 1937).

6.08.080 Outdoor sports exempt from code. No license shall be required for any recognized outdoor sports. (Res. 6574 (part), 1937).

6.08.090 Race tracks and dragstrips. Applicants must submit, for any amusement place license for a race track or dragstrip, whether automobile or otherwise, where the expected attendance will exceed two thousand people at any single scheduled event, information as deemed appropriate by the department of public safety to insure that adequate traffic control and crowd protection policing has been arranged through private security agencies or, has been contracted for with the department of public safety. A written notice that the applicant has complied with the requirement shall be issued by the director of the department of public safety or his designee before an amusement place license shall be issued; provided, that if the applicant should contract for traffic control and crowd protection policing with King County, in no event should the sum agreed upon in payment for such policing be less than the actual expense incurred by the county in providing that service. Such consideration shall be calculated for personnel resources on the hourly rate for overtime under the current collective bargaining agreement, plus that percentage then being paid for fringe benefits, and all sums paid under such contract shall be paid in accordance with procedures specified by the King County Office of Finance. (Ord. 9915 § 16, 1991: Ord. 4270 § 4, 1979).

6.08.100 Standards for public amusement/entertainment license suspension or revocation. The director shall revoke or suspend, for not more than one year, any public amusement/entertainment license if he or she determines that the licensee or applicant has:

A. Obtained or renewed the license through a false, misleading or fraudulent omission or representation of material fact on the application; or

B. Violated or permitted or authorized any violation of any provisions of this chapter by any person. (Ord. 13548 § 36, 1999: Ord. 9915 § 17, 1991: Ord. 7216 § 10, 1985: Ord. 5304 § 4, 1981: Ord. 4206 § 4, 1979).

6.08.120 Penalty for violation. Any person violating any of the terms of this chapter shall, upon conviction thereof, be fined in the sum of not less than ten dollars nor more than three hundred dollars or by imprisonment in the county jail for not more than ninety days, or both. (Res. 6574 (part), 1937).

6.08.130 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation, to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.08.140 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.08.150 Limitation of liability. This chapter is not intended to create a cause of action or provide the basis for a claim against the county, its officials or its employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. A duty or obligation created under this chapter is intended to be a general duty or obligation running in favor of the general public. (Ord. 13458 § 37, 1999).

6.09 ADULT ENTERTAINMENT

Sections:

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6.09.010 Findings of fact. The King County council makes the following findings of fact based on: the evidence of conduct occurring in and around adult entertainment businesses as reported in O'Day v. King County, 109 Wn.2d 796 (1988) and as reported in public testimony and other evidence, information, documents and other materials received by the King County council, including but not limited to the legislative record supporting Ordinance 7216, adopted in 1985, Ordinance 9915, adopted in 1991, Ordinance 13546 and Ordinance 13548 The King County council also makes the following findings having taken legislative notice of the evidence of conduct occurring in and around adult entertainment businesses located in other jurisdictions, which the council hereby deems to be relevant to the experience in King County, as reported in judicial opinions including but not limited to Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986), Ino Ino, Inc. v. City of Bellevue, 132 Wn.2d 103 (1997), DCR, Inc. v. Pierce County, 92 Wn.App. 660 (1998) and Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998) and as reported in the studies and findings of other city and county legislative bodies that have also adopted ordinances regulating adult entertainment businesses, including but not limited to the counties of Kitsap, Pierce, Snohomish and Spokane and the cities of Bellevue, Bothell, Everett, Federal Way, Kent, Lake Forest Park, Redmond, Renton, Seattle, Shoreline and Tukwila.

A. The operation of adult entertainment businesses has historically and regularly been accompanied by secondary effects that are detrimental to the public health, safety, morals and general welfare of the citizens of King County. Such secondary effects include significant criminal activity and activities injurious to the public health, safety, morals and general welfare of the community, detrimental effects on nearby businesses and residential areas and a decline in property values in the area of the adult entertainment businesses. This history of criminal and injurious activity includes prostitution, narcotics and liquor law violations, breaches of the peace, assaults, employment or involvement of minors, sexual conduct between customers or between customers and entertainers, the opportunity for the spread of sexually transmitted diseases and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants. Accordingly, there is a compelling need and interest to regulate adult entertainment businesses as provided in this chapter to protect and promote the public health, safety, morals and general welfare of the citizens of King County;

B. These activities occur regardless of whether adult entertainment is presented in conjunction with the sale of alcoholic beverages;

C. The resources available for responding to problems associated with adult entertainment businesses are limited and are most efficiently and effectively utilized through a licensing and regulatory program;

D. The license fees required in this ordinance are necessary as reasonable fees imposed to help defray the costs of processing the license applications and the substantial expenses incurred by King County in regulating the adult entertainment industry;

E. Adult entertainment businesses have historically engaged in practices that involve secreting ownership interests for such purposes as money laundering, skimming profits and tax evasion. These hidden ownership interests have, on occasion, been held by individuals and entities reputed to be involved in organized crime. To detect and discourage the involvement of organized crime in the adult entertainment industry, to effectively deploy its limited law enforcement resources and to effectively protect the public health, safety, morals and general welfare of its citizenry, the county must be fully apprised of the actual and controlling interests of adult entertainment businesses and the identities and criminal backgrounds of persons responsible for the management and control of such businesses;

F. To detect and discourage the involvement of organized crime in the adult entertainment industry, to prevent the exploitation of minors, to assure the correct identification of persons working in adult entertainment businesses, to effectively deploy its limited law enforcement resources and to effectively protect the public health, safety, morals and general welfare of its citizenry, the county must be fully apprised of the identity, age and criminal background of managers in adult entertainment businesses;

G. It is necessary to have a licensed manager on the premises of an adult entertainment business during all hours of operation so there will be a person responsible for the overall operation of the business, including the actions of customers, entertainers and other employees. To monitor the actions of these individuals, a manager must be able to observe these individuals at all times;

H. To prevent the exploitation of minors, to assure the correct identification of persons working in adult entertainment businesses, to effectively deploy its limited law enforcement resources and to effectively protect the public health, safety, morals and general welfare of its citizenry, the county must be fully apprised of the identity, age and criminal background of entertainers in adult clubs;

I. Proximity between entertainers and customers in adult clubs facilitates sexual conduct, prostitution, transactions involving controlled substances and other crimes. To deter such conduct and assist law enforcement in detecting it, King County has historically required that an entertainer exposing nudity must be separated from customers by performing on a stage at least eighteen inches above the floor and as least six feet from the nearest patron and has prohibited entertainers from engaging in sexual conduct;

J. There is substantial evidence that such prohibitions are ineffective. Entertainers in adult clubs perform offstage erotic performances, variously referred to as "table", "couch" or "lap" dances, which typically involve exposure of nudity or sexual conduct between entertainers and customers, or both, and may also include acts of prostitution, transactions involving controlled substances and other crimes. To effectively deter such conduct and assist law enforcement in detecting it, it is necessary that all erotic performances in an adult club occur on a stage which is at least ten feet from the nearest customer. Such a requirement is in effect in the city of Kent, Kitsap county and Pierce county and has been upheld as a constitutional regulation that furthers the governmental interest in preventing sexual conduct and other criminal conduct while still allowing an entertainer to convey an erotic expression (see Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998), Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986) and DCR, Inc. v. Pierce County, 92 Wn.App. 660 (1998), respectively).

K. To prevent sexual conduct from occurring between entertainers and customers, customers must be prohibited from any stage where adult entertainment occurs and be prohibited from passing tips, gratuities or other payments directly to entertainers performing on stage.

L. Adult entertainment businesses have historically attempted to prevent law enforcement and licensing officials from detecting sexual conduct, prostitution, sale and distribution of controlled substances and other violations of law occurring on the premises by employing warning systems, maintaining a low level of lighting and other techniques. It is necessary, to effectively enforce this ordinance and to protect the public health, safety, morals and general welfare of the county's citizenry, that adult entertainment businesses be required to maintain a minimum level of lighting, that warning devices and systems be prohibited and that unannounced inspections be permitted by county licensing and law enforcement personnel;

M. Adult arcades provide booths for individual viewing of live performances, videos and films distinguished or characterized by an emphasis on nudity or sexual conduct. Existing standards of conduct and facility specifications have not deterred customers from engaging in sexual conduct in such businesses. To detect and deter such conduct, to require maintenance of clean and sanitary conditions and to reduce the potential for the spread of sexually transmitted diseases, it is necessary to regulate the configuration and facility specifications of adult arcades as set forth in this chapter, including but not limited to restricting the occupancy of a booth to one person;

N. An adult arcade might attempt to circumvent the limit of one person per booth by creating a small room, labeled a "minitheater" rather than a booth, in which two, three or a small number of individuals would be able to view videos and films distinguished or characterized by an emphasis on nudity or sexual conduct. Moreover, traditional-sized theaters might also show such videos or films. Customers have used both traditional adult theaters and "minitheaters" within arcades as places to engage in sexual conduct. Existing standards of conduct and facility specifications have not deterred customers from engaging in sexual conduct in these businesses. To detect and deter such conduct and reduce the potential for the spread of sexually transmitted diseases, it is necessary to regulate the configuration and facility specifications, as set forth in this chapter, of spaces used by more than one individual to view adult entertainment. In particular, it is necessary

to require that any group viewing area for such videos and films have a minimum of eight seats which may be accessed by customers without reservation in order to prevent or diminish a sense of privacy and intimacy which would be conducive to and enabling of sexual conduct between customers;

O. To assure that minors are not subjected to adult entertainment, it is necessary to prohibit adult entertainment businesses from allowing adult entertainment performances, or pictorial representations of adult entertainment performances displaying nudity or sexual conduct, from being visible from outside the business; and

P. To discourage customers of bars and other alcohol-serving businesses from moving to adult entertainment businesses at two a.m. for "after hours" activities, and the increased likelihood of breaches of the peace and other criminal conduct that arise from those customers and to reduce the adverse secondary effects of adult entertainment businesses on minors and the community, it is necessary to restrict the closing time of adult entertainment businesses.

Q. The findings of fact contained in Ordinance 13456 are incorporated in this chapter. (Ord. 13548 § 2, 1999).

6.09.020 Purpose and intent. It is the purpose of this chapter to establish licensing, operational and facility standards for adult entertainment businesses located in unincorporated King County to promote and protect the health, safety, morals and general welfare of unincorporated King County's residents. This chapter is intended to prevent the secondary effects that have historically and regularly accompanied the operation of adult entertainment businesses, including but not limited to the incidence of prostitution, sexual conduct with the opportunity for transmission of sexually transmitted diseases, employment or involvement of minors, violation of controlled substance and alcoholic beverage laws, assaults, breaches of the peace and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants. It is not the intent of the county council that this chapter have either the purpose or effect of suppressing speech activities protected by the constitutions of the United States and the state of Washington. (Ord. 13548 § 3, 1999).

6.09.030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Adult entertainment" means a performance described in the definition of adult entertainment business in this section.

B. "Adult entertainment business" means an adult arcade, an adult club or an adult theater, each as defined in the following, or a combination of an adult arcade, an adult club or an adult theater.

1. "Adult arcade" means a bookstore, video store, membership club or other place:

a. to which the public or members of a membership club are invited or admitted, whether or not a membership fee, cover charge or other consideration is required for admittance; and

b. that provides one or more booths for viewing a live performance, as specified in the definition of an "adult club" in subsection B.2 of this section, or motion picture films, video cassettes, cable television shows, computer-generated images or any other visual media distinguished or characterized by a predominant emphasis on performances involving nudity or sexual conduct.

2. "Adult club" means a nightclub, membership club, bar, restaurant, salon, hall, studio or other place:

a. to which the public or members of a membership club are invited or admitted, whether or not a membership fee, cover charge or other consideration is required for admittance, and

b. that provides, on a regular basis or as a substantial part of the activity on the premises, a live performance that: includes nudity; is distinguished or characterized by a predominant emphasis on depictions or simulations of sexual conduct; or otherwise constitutes an erotic performance. A place that provides such a live performance only for viewing by an individual in a booth in accordance with this chapter is an adult arcade and not an adult club.

3. "Adult theater" means a movie theater, bookstore, video store, membership club or other place:

a. to which the public or members of a membership club are invited or admitted, whether or not a membership fee, cover charge or other consideration is required for admittance; and

b. that provides a room or other area that can accommodate more than one person for viewing motion picture films, video cassettes, cable television shows, computer-generated images or any other visual media distinguished or characterized by a predominant emphasis on performances involving nudity or sexual conduct.

4. Notwithstanding any other provision of this chapter, "adult arcade," "adult club" and "adult theater" do not include:

a. a theater or performing arts institution that presents a play, opera, musical, dance or other dramatic works that are not distinguished or characterized by a predominant emphasis on nudity or sexual conduct; or

b. an educational institution, administered, licensed or recognized as a public or private educational institution by the state of Washington, that provides a modeling session or other class or seminar

depicting nudity or sexual conduct.

C. "Applicant" means a person who applies for an adult entertainment business license, an adult entertainment manager license or an adult entertainer license.

D. "Booth" means a booth, cubicle, stall, room or enclosed space in an adult arcade, that is designed, constructed or used to hold or seat a single individual.

E. "Business control person" means a partner, corporate officer, director, shareholder or other individual who has responsibility for the management of an adult entertainment business.

F. "Business license" means an adult entertainment business license.

G. "County" means King County, Washington.

H. "Customer" means a customer, patron, club member or other individual who is invited or admitted to an adult entertainment business during its hours of operation, regardless of whether he or she makes a purchase or pays a fee, charge, gratuity or other consideration. However, “customer” does not include an employee or entertainer while the employee or entertainer is engaged in his or her duties or performance.

I. "Director" means the director of the department of information and administrative services or the director’s designee.

J. "Employee" means an individual, including an independent contractor, who works in or at or renders service directly related to the operation of an adult entertainment business, whether or not the person is paid compensation by the operator of the business.

K. "Entertainer" means an individual who provides live adult entertainment in an adult club, whether or not a fee, tip or other consideration is charged or accepted for the entertainment.

L. "Entertainer license" means a license for an entertainer issued under this chapter.

M. "Erotic performance" means a performance, in an adult club, that is intended to sexually stimulate a customer.

N. "Manager" means an individual who provides on-site management, direction or administration of the operation or conduct of any portion of an activity conducted in an adult entertainment business and includes an assistant manager working with or under the direction of a manager to carry out those purposes.

O. "Manager license" means a license for a manager issued under this chapter.

P. "Membership club" means a club that invites or accepts a membership application from the public.

Q. "Nudity" or "nude" means:

1. The exposure to view, by not completely covering with an opaque material, of the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion of the areola or nipple of the female breast;

2. The exposure to view of a device or covering that simulates the appearance of the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion of the areola or nipple of the female breast; or

3. The display of male genitalia in a discernible state of sexual stimulation, whether covered or not with opaque material.

R. "Obscene" means a performance that:

1. Taken as a whole, by an average person applying contemporary community standards, appeals to a prurient interest in sex;

2. Taken as a whole, by an average person applying contemporary community standards, depicts patently offensive representations of the sexual acts described in RCW 7.48A.010(2)(b); and

3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

S. "Performance" means an exhibition, display, appearance, dance, modeling, demonstration, show, pantomime or presentation of any kind, whether live or depicted in a motion picture film, video cassette, cable television show, computer-generated image, slide or other nonlive visual image.

T. "Person" means an individual, firm, corporation, joint venture, partnership, association, membership club, fraternal organization, estate, trust or other entity or group acting as a unit.

U. "Premises" means the entire real estate parcel on which an adult entertainment business is located, including all interior areas and exterior areas such as parking areas.

V. "Satisfactory documentation" means:

1. A current, valid motor vehicle operator’s license, issued by a state, bearing the applicant’s photograph and date of birth;

2. A current, valid identification card bearing the applicant’s photograph and date of birth issued by a federal or state government agency; or

3. A valid passport issued by the United States of America or another country.

W. "Sexual conduct" means any of the following:

1. Caressing, fondling or other erotic touching of genitalia, pubic region, buttocks, anus, female breast or artificial depictions of those anatomical areas, whether covered or not with opaque material; or

2. An act of masturbation, genital intercourse, anal intercourse, fellatio, cunnilingus, sadomasochistic abuse or bestiality.

X. "Sheriff's office" means the office of the King County sheriff. (Ord. 13548 § 4, 1999).

6.09.040 Licenses required.

A. Business license.

1. No person shall operate an adult entertainment business at a location in unincorporated King County unless the person holds a valid adult entertainment business license issued by the director in the person's name, for the location and for one or more of the following types of adult entertainment business being operated on the premises:

a. adult club;

b. adult arcade; or

c. adult theater.

2. No person shall knowingly allow the use of the person's property located in unincorporated King County for the operation of an adult entertainment business that is not licensed under this chapter.

3. No person shall knowingly manage or participate in the management of an adult entertainment business, located in unincorporated King County, that is not licensed under this chapter.

4. No person shall knowingly work as an employee or entertainer in or about an adult entertainment business, located in unincorporated King County, that is not licensed under this chapter.

5. No person granted an adult entertainment business license under this chapter shall operate the adult entertainment business under a name not specified on the license.

6. No person shall operate an adult entertainment business at a location not specified on the license.

B. Manager license. No person shall act as a manager of an adult entertainment business located in unincorporated King County without having first obtained a manager license.

C. Entertainer license. No person shall act as an entertainer at an adult entertainment business located in unincorporated King County without having first obtained an entertainer license.

D. Duty to supplement. An applicant for, or a holder of, a license issued under this chapter shall modify or supplement application information, on file with the director, within ten days of a change if the information changes materially from what is stated on the applicant or holder's application.

E. Assignment or transfer of license prohibited. A license issued under this chapter may not be assigned or transferred as part of a transaction, including, but not limited to, the sale, exchange, establishment of a trust or any other means.

F. Original required. A photocopy or other form of reproduction is not acceptable as proof of a license required under this chapter. (Ord. 13548 § 5, 1999).

6.09.050 Adult entertainment business license -- application process.

A. An application for an adult entertainment business license must be submitted in the name of the person proposing to operate the adult entertainment business and who would be liable under Title 82 RCW for the payment of business and occupation taxes on the privilege of operating the adult entertainment business.

B. An application for an adult entertainment business license must be made on a form, provided by the director, that requires the following information:

1. For the applicant and each business control person:

a. the legal name and any alias, stage name or previous name;

b. the date and place of birth;

c. the current residential and mailing addresses;

d. the business telephone number;

e. the driver's license number and issuing state;

f. the employment, business and occupational history for the three years immediately preceding the date of the application, including the name and address of employers or persons for whom the applicant or business control person performed services as an independent contractor;

g. whether the applicant or business control person holds any other licenses under this chapter or an adult entertainment-related license issued by another jurisdiction; and, if so, the name and address of the businesses to which the licenses pertain;

h. whether the applicant or business control person had, within the three years immediately preceding the date of the application, a license under this chapter or an adult entertainment-related license issued by another jurisdiction denied, suspended or revoked; and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the jurisdiction that took such action, the reason for the action, the date of the action and the status of any appeal of the action; and

i. whether the applicant or business control person has been the subject of a bail forfeiture, adverse finding or conviction in connection with local, state or federal criminal law, other than a parking offense or traffic infraction, within the five years immediately preceding the date of the application; and, if so, the nature of the crime and the date, location and nature of the judicial action taken;

2. If the applicant is a corporation or a limited liability company:

a. the legal name of the corporation;

b. the date and place of incorporation; and

c. the name and address of any registered agent for service of process;

3. If the applicant is a partnership:

a. the legal name of the partnership;

b. whether the partnership is general or limited; and

c. the name and address of any registered agent for service of process;

4. The applicant's federal and state tax identification numbers;

5. The type or types of adult entertainment proposed for the business and the business's proposed "doing-business-as" name;

6. The location of the proposed adult entertainment business, including a legal description of the property, the common address and each telephone number assigned to the business;

7. The name, address and telephone number of each owner and lessee of the property at which the adult entertainment business is proposed to be conducted; and

8. Whether the applicant proposes to serve liquor in the adult entertainment business and the status of the business's liquor license or application for the liquor license.

C. An application form for an adult entertainment business license must be accompanied by the following submittals:

1. If the applicant is a corporation, evidence that the corporation is qualified to do business in the state of Washington. If the applicant is a partnership, a copy of the partnership agreement must be included;

2. A sketch or diagram showing the configuration of the interior of the adult entertainment business, including a statement of total floor space occupied by the business. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;

3. For each applicant and business control person:

a. Satisfactory documentation that the applicant or business control person is at least eighteen years old; and

b. A complete set of fingerprints taken by the sheriff's office or sent directly to the director from another law enforcement agency; and

4. The license fee or fees established in this chapter.

D. The application form must be verified and certified to be complete and true under penalty of perjury by the notarized signature of the applicant, if the applicant is an individual. If the applicant is a partnership or corporation, the notarized signature must be that of a general partner of the partnership or the president of the corporation. The director may request other information or clarification in addition to that provided in the application form if necessary to determine compliance with this chapter and applicable zoning, building, fire, public health and other ordinances, statutes and rules.

E. On receipt of an application and all required submittals and information, the director shall provide copies of the application materials to the sheriff's office and such other county departments as the director deems appropriate to assess whether the proposed adult entertainment business complies with this chapter and applicable zoning, building, fire, public health and other ordinances, statutes and rules.

F. The director and personnel from other departments may conduct on-site inspections of the premises of the adult entertainment business before the director issues a license to ensure compliance with this chapter and applicable zoning, building, fire, public health and other ordinances, statutes and rules.

G. Within thirty days of the director's receipt of an application and all required submittals and information, the director shall issue or deny the adult entertainment business license. If the director fails to issue or deny the license within the thirty-day period, the license is deemed issued on the last day of the period and the applicant may operate, subject to all other provisions of this chapter, the business for which the license was sought.

H. An adult entertainment business license at a minimum shall include on its face the name of the person to whom the license is issued, the "doing-business-as" name of the business, the specific type of adult entertainment business licensed, the license's expiration date and the address of the adult entertainment business. (Ord. 13548 § 6, 1999).

6.09.060 Adult entertainment business license -- grounds for denial. The director shall deny the adult entertainment business license for any of the following reasons and shall notify the applicant in writing of the grounds for the denial and the opportunity to appeal:

A. The applicant or a business control person is less than eighteen years old;

B. The applicant failed to provide all of the information and submittals required by the director and this chapter;

C. The applicant knowingly made a false, misleading or fraudulent representation or omission of material fact, either on the application for the license or by failing to modify or supplement the application as required by K.C.C. 6.09.040D of this chapter;

D. The applicant or a business control person is currently the subject of a final adult entertainment license suspension order issued by the county or is the subject of an adult entertainment license revocation order, issued by the county, that became final less than one year before the pending application; or

E. The applicant or the adult entertainment business is not in compliance with this chapter or applicable zoning, building, fire, public health or other ordinance, statute or rule. (Ord. 13548 § 7, 1999).

6.09.070 Manager and entertainer licenses -- application process.

A. A separate license is required for an individual to act as a manager of an adult entertainment business and to act as an entertainer at an adult club.

B. An application for a manager license or entertainer license must be made on a form provided by the director, which form must require the following information:

1. For the applicant:

a. the legal name and any alias, stage name or previous name;

b. the date and place of birth;

c. the current residential and mailing addresses;

d. the residential and business telephone numbers;

e. the driver's license number and issuing state;

f. whether the applicant holds another license under this chapter or an adult entertainment-related license issued by another jurisdiction; and, if so, the name and address of the business to which the license pertains;

g. whether the applicant had, within the three years immediately preceding the date of the application, a license under this chapter or an adult entertainment-related license issued by another jurisdiction denied, suspended or revoked within the three years immediately preceding the date of the application; and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the jurisdiction that took such action, the reason for the action, the date of the action and the status of any appeal of the action; and

h. whether the applicant has been the subject of a bail forfeiture, adverse finding or conviction in connection with local, state or federal criminal law, other than a parking offense or traffic infraction, within the five years immediately preceding the date of the application; and, if so, the nature of the crime and the date, location and nature of the judicial action taken; and

2. The name and address of each adult entertainment business at which the applicant will work as a manager or entertainer.

C. A completed application form for a manager's license or an entertainer's license must be accompanied by the following submittals:

1. Satisfactory documentation that the applicant is at least eighteen years old;

2 Two color photographs taken by the director showing only the full face of the applicant;

3. A complete set of the applicant's fingerprints taken by the sheriff's office; and

4. The license fee established in this chapter.

D. The application form must be verified and certified to be complete and true under penalty of perjury by the notarized signature of the applicant.

E. The director shall issue or deny a manager license or entertainer license on the same business day in which a completed application and all required submittals and information are received. If the director fails to issue or deny the license on the same business day, the license is deemed issued on the date the completed application was received and the applicant may perform, subject to all other provisions of this chapter, the function for which the license was sought.

F. A manager license or entertainer license at a minimum shall include on its face the name of the person to whom it is issued; the person's signature, height and weight, date of birth and photograph; the license's expiration date; and whether the holder is licensed as a manager or entertainer. (Ord. 13548 § 8, 1999).

6.09.080 Manager licenses and entertainer licenses -- grounds for denial. The director shall deny an application for a manager or entertainer license for any of the following reasons and shall notify the applicant in writing of the grounds for the denial and the opportunity to appeal:

A. The applicant is less than eighteen years old;

B. The applicant failed to provide all information and submittals required by the director and this chapter;

C. The applicant knowingly made a false, misleading or fraudulent omission or representation of material fact, either on the application for the license or by failing to modify or supplement the application as required by 6.09.040D of this chapter;

D. The applicant is currently the subject of a final adult entertainment license suspension order issued by the county or is the subject of an adult entertainment license revocation order issued by the county that became final less than one year before the pending application. (Ord. 13548 § 9, 1999).

6.09.090 License duration and renewal.

A. An adult entertainment business license, manager license or entertainer license expires one year from the date of the initial license application filing. To avoid a lapse in the effectiveness of a license, an application to renew a license must be submitted to the director, on a form provided by the director, at least thirty days before the expiration of a business license and at least one business day before the expiration of a manager license or entertainer license. Notwithstanding a lapse in the effectiveness of a license, an application shall be processed as a renewal application if it is filed within ten days after a license expired.

B. An application for renewal must be accompanied by those initial submittals as may be required by the director. The application form must be verified and certified to be complete and true under penalty of perjury by the notarized signature of the applicant, if the applicant is an individual. If the applicant is a partnership or corporation, the notarized signature shall be that of a general partner of the partnership or the president of the corporation.

C. On receipt of a business license renewal application and all required submittals, the director shall provide copies of the application materials to the sheriff's office and such other county departments as the director deems appropriate to determine whether the adult entertainment business complies with this chapter and applicable zoning, building, fire, public health and other county, state and federal ordinances, statutes and rules.

D. The director and personnel from another department may conduct an on-site inspection of the adult entertainment business before issuing a renewal of a business license to ensure compliance with this chapter.

E. Within thirty days of the director’s receipt of a business license renewal application and all required submittals and information, the director shall issue or deny the license renewal. If the director fails to issue or deny the license renewal within the thirty-day period, the business license is deemed issued on the last day of the period and the applicant may continue to operate, subject to all other provisions of this chapter, the business for which the license renewal was sought.

F. The director shall issue or deny a renewal of a manager license or entertainer license on the same business day in which the completed renewal application and all required submittals and information are received. If the director fails to issue or deny the license on the same business day, the license is deemed issued on the date the completed application was received and the applicant may perform, subject to all other provisions of this chapter, the function for which the license was sought.

G. The director shall deny a license renewal for any of the reasons in this chapter for denial of an initial license application and shall notify the applicant in writing of the grounds for denial and the opportunity to appeal.

H. A license renewal expires one year from the previous license’s expiration date. (Ord. 13548 § 10, 1999).

6.09.100 License fees. A person applying for a license under this chapter shall pay the appropriate nonrefundable fee, from the following, with a license or license renewal application:

A.1. Adult entertainment business:

a. adult club	$750.00
b. adult arcade	$750.00
c. adult theater	$750.00

2. If more than one type of adult entertainment business is licensed on the same premises, the license fee is seven hundred fifty dollars for the first type and one hundred fifty dollars for each additional type.

B. Manager	$ 75.00
C. Entertainer	$ 75.00
D. Replacement license if original lost or destroyed	$ 15.00

(Ord. 13548 § 11, 1999).

6.09.110 Adult clubs -- facility specifications. An adult club shall meet the following facility specifications:

A. A live adult entertainment stage must be at least eighteen inches in elevation above the level of the customer area and at least ten feet from all areas of the premises to which a customer has access. To separate the customer area from the stage, a continuous railing at least three feet in height must be attached to the floor and located at least ten feet from all points of the live adult entertainment stage;

B. A live adult entertainment stage must be visible immediately on entering the adult club's seating area and visibility may not be blocked or obscured by a door, curtain, drape or other obstruction;

C. The premises must be maintained in a clean and sanitary condition;

D. Adult entertainment occurring on the premises of an adult club, or a pictorial representation of adult entertainment displaying nudity or sexual conduct, must not be visible from outside the business;

E. Sufficient lighting must be provided and equally distributed throughout the areas that are open to and used by customers such that, during hours of operation, all objects are plainly visible. “Sufficient lighting”

means a minimum lighting level of thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas open to and used by customers;

F. A door to an area on the premises that is available for use by a person other than the owner or manager, or both, or owner or manager's agent or employee, may not be locked during business hours;

G. Restroom facilities provided for customers must be separate from those provided employees and entertainers; and

H. A sign must be conspicuously displayed inside every entrance to the adult club, that states as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

1. No person under eighteen years old shall be permitted on the premises.
2. No person is permitted to expose nudity or otherwise engage in an erotic performance except on a stage. No customer is permitted on stage or inside the railing, which is located at least ten feet from the stage.
3. No person is permitted to perform an offstage erotic performance.
4. No person shall engage in sexual conduct while on the premises.
5. A tip, gratuity or other payment offered to an entertainer performing on stage must be placed into a receptacle located outside the stage and setback area.
6. A violation is subject to criminal prosecution and civil penalties. (Ord. 13548 § 12, 1999).

6.09.120 Adult clubs -- operating requirements and standards of conduct. On the premises of an adult club, the adult club and its business license holders, business control persons, managers, employees, entertainers and customers shall adhere to the following operating requirements and standards of conduct:

A. Business license holder and business control persons responsible. The adult entertainment business license holder and any business control persons shall be responsible for and shall assure that the conduct of the managers, entertainers, employees and customers of the adult club complies with this chapter;

B. Licensed manager required on premises. During all hours of operation, the adult club must have a licensed manager on duty stationed in a location from which the manager can view every live adult entertainment stage, stage setback area and customer area of the business;

C. Licensed manager responsible. The on-duty manager is responsible for and shall assure that the conduct of the entertainers, employees and customers of the adult club complies with this chapter;

D. Posting of licenses. The holder of the adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager. An entertainer shall provide his or her license to the manager on duty who shall maintain the entertainer's license on the premises for immediate inspection when the entertainer is on the premises. The manager shall, on request by the director or any law enforcement officer, make available for inspection the license of an entertainer on the premises;

E. Records of entertainers and employees. The adult club must maintain, on a form prescribed by the director, a record by date and shift of the name, stage name if any, entertainer license number and date of birth of each person who worked as an employee or performed as an entertainer at the club. The record of each person must be retained for at least one year after the work or performance was performed at the club;

F. Prohibited hours of operation. The business license holder, business control person or manager may not operate the adult club, or allow the adult club to be open to customers, between two a.m. and ten a.m.;

G. Minors prohibited. An individual under eighteen years old may not be in or on the premises. The business license holder, business control person or manager may not permit or allow a person under eighteen years old to be in or on the premises;

H. Alcohol prohibited without a license. An individual may not possess, consume or serve an alcoholic beverage unless, and to the extent, the adult club is covered by a valid liquor license issued by the Washington State Liquor Control Board;

I. Nudity and erotic performances permitted only on stage. An individual may not expose nudity or engage in any erotic performance except on a stage meeting the facility requirements of this chapter;

J. Sexual conduct prohibited. An individual may not engage in sexual conduct;

K. Obscene performances prohibited. An individual may not engage in an obscene performance;

L. Customers prohibited onstage or in stage setback area. A customer may not enter on the stage or the stage setback area;

M. Separate restroom facilities. An employee or entertainer may not enter a customer restroom and a customer may not enter an employee and entertainer restroom;

N. Tips, gratuities and payments to entertainers. An entertainer performing on a live adult

entertainment stage may not accept a tip, gratuity or other payment offered directly to the entertainer by a customer. A tip, gratuity or other payment offered to an entertainer performing on a live adult entertainment stage must be placed into a receptacle located outside the stage and stage setback area provided through a manager on duty on the premises; and

O. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an entertainer, employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises. (Ord. 13548 § 13, 1999).

6.09.130 Adult arcades -- facility specifications. An adult arcade must meet the following facility specifications:

A. All booths must be visible from the common area immediately inside an adult arcade's entrance unless the arcade is configured such that all the booths are located in a section of the premises dedicated solely for that purpose within the arcade, herein referred to as a "booth section". If the booths are located in a booth section within the arcade, all booths must be visible from the entrance to the booth section. The entrance to the booth section must be open to the arcade common area and may not be obstructed by a curtain, door, wall, merchandise, display rack or other material;

B. A booth may not exceed twelve square feet in size and may not be equipped with a door, curtain or screening device that prevents the manager, county inspector or law enforcement personnel from determining the number of individuals inside the booth. The bottom of any door, curtain or screening device on a booth must be at least twenty-four inches above the floor of the booth. The top of any door, curtain or screening device on a booth may not exceed sixty-six inches above the floor unless the door, curtain or screening device has an opening, or clear, clean window, at least twelve inches in height and twenty-four inches in width, located between sixty-six and seventy-eight inches above the floor of the booth, that provides an unobstructed view to the side walls and back wall of the booth. A booth door or other screening device may not be equipped with a locking device;

C. A chair or seating surface in a booth may not provide a seating surface of more than eighteen inches in either length or width and may not be higher than the bottom of a door, curtain or other screening device. There may not be more than one chair or seating surface in a booth;

D. If an individual is able to view a live performance from an arcade booth, the booth must be constructed so that the opening between the booth and the performance area is entirely covered by an immovable panel of transparent nonporous material that extends the full length and width of the opening, does not contain a hole and prevents contact between the individual in the booth and the entertainer;

E. An arcade may not contain a space for more than one person to view adult entertainment unless the space is licensed as, and meets the specifications for, an adult theater under this chapter;

F. A door to an area on the premises that is available for use by customers may not be locked during business hours;

G. Steps or risers are not allowed in a booth;

H. Sufficient lighting must be provided and equally distributed throughout the areas that are open to and used by customers such that, during hours of operation, all objects are plainly visible. “Sufficient lighting" means a minimum lighting level of thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas open to and used by customers;

I. A restroom may not contain viewing equipment;

J. The floor, walls and ceiling surfaces in a booth must be made of nonporous, easily cleanable surfaces and may not consist of rugs or carpeting;

K. A ventilation device or hole in a booth must be covered by a permanently affixed ventilation cover. A ventilation hole may be located only within one foot from the top of or one foot from the bottom of the booth walls, or both. There may not be any other holes or openings in the booths;

L. The premises must be maintained in a clean and sanitary condition;

M. Adult entertainment provided on the premises of an adult arcade, or a pictorial representation of adult entertainment displaying nudity or sexual conduct, must not be visible from outside the business; and

N. A sign must be conspicuously displayed at the entrance to the arcade's booth section, if applicable, and in each booth, that states as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

1. No person under eighteen years old is permitted on the premises.
2. Masturbation and other sexual conduct are prohibited and unlawful on the premises.
3. More than one person may not occupy a booth at a time.
4. A violation is subject to criminal prosecution and civil penalties. (Ord. 13548 § 14, 1999).

6.09.140 Adult arcades -- operating requirements and standards of conduct. On the premises of an adult arcade, the adult arcade and its business license holders, business control persons, managers, employees, entertainers and customers shall adhere to the operating requirements and standards of conduct

specified in the following:

A. Business license holder and business control persons responsible. The adult entertainment business license holder and any business control person shall be responsible for and shall assure that the conduct of the managers, employees, entertainers and customers of the adult arcade complies with this chapter;

B. Licensed manager required on premises. The adult arcade must, during hours of operation, have a licensed manager on duty who is stationed in a location from which every booth and customer area of the business is visible at all times, either by direct line of sight or by continuous video monitoring;

C. Licensed manager responsible. The on-duty manager is responsible for and shall assure that the conduct of the entertainers, employees and customers of the adult arcade complies with this chapter;

D. Posting of licenses. The holder of the adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager;

E. Prohibited hours of operation. The adult arcade business license holder, business control person or manager may not operate the adult arcade or allow the adult arcade to be open to customers between two a.m. and ten a.m.;

F. Minors prohibited. An individual under eighteen years old may not be in or on the premises of the adult arcade. The adult arcade business license holder, business control person or manager may not permit or allow a person under eighteen years old to be in or on the premises;

G. Alcohol prohibited without license. An individual may not possess, consume or serve an alcoholic beverage in the adult arcade unless, and to the extent, the business is covered by a liquor license issued by the Washington State Liquor Control Board;

H. Live performances. A live performance provided in the arcade must be conducted in a performance area that is inaccessible to a customer and separated from an individual in a booth in accordance with the facility specifications of this chapter;

I. Obscene performances prohibited. An obscene performance may not be displayed or exhibited;

J. Sexual conduct prohibited. An individual may not engage in sexual conduct;

K. Single occupancy of booths. An individual may not be present in a booth with one or more other individuals; and

L. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises. (Ord. 13548 § 15, 1999).

6.09.150 Adult theaters -- facility specifications. An adult theater must meet the following facility specifications:

A. The interior of an adult theater must be configured such that any entrance used by a customer shall open into a common area. All seats in a viewing area must be visible from the entrance to the viewing area without obstruction by a curtain, door, wall, merchandise, display rack or other material;

B. An area in an adult theater in which adult entertainment is viewed must contain at least eight seats. The seats must be permanently affixed to the floor and must all face the screen on which the adult entertainment is viewed;

C. Subject to seat availability, an adult theater viewing area must be open to any person entering the adult theater and may not be reserved for use by one or more customers. An adult theater may not admit more persons to a viewing area than the number of seats provided;

D. A door to an area on the premises that is available for use by a customer may not be locked during business hours;

E. A chair or seating surface may not provide a seating surface of more than eighteen inches in either length or width;

F. Sufficient lighting must be provided and equally distributed throughout the area that is open to and used by customers such that, during hours of operation, all objects are plainly visible. "Sufficient lighting" means a minimum lighting level of thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas that are open to and used by customers. An adult theater that uses film projector technology may submit a written request to the director for permission to reduce the minimum lighting standard during the operation of the film projector. If the director finds that the specified lighting standard prevents the projection of the image onto the adult theater's screen, the director may reduce the lighting standard for the viewing area to a level that allows for the projection of the image while still providing sufficient lighting that all objects are plainly visible within the viewing area;

G. A restroom may not contain viewing equipment;

H. The premises must be maintained in a clean and sanitary condition;

I. Adult entertainment provided on the premises of the adult theater, or a pictorial representation of adult entertainment displaying nudity or sexual conduct, may not be visible from outside the business; and

J. A sign must be conspicuously displayed inside every entrance to an adult theater, that states as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

1. No person under eighteen years old is permitted on the premises.
2. Masturbation and other sexual conduct are prohibited and unlawful on the premises.
3. A violation is subject to criminal prosecution and civil penalties. (Ord. 13548 § 16, 1999).

6.09.160 Adult theaters -- operating requirements and standards of conduct. On the premises of an adult theater, the adult theater and its business license holders, business control persons, managers, employees and customers shall adhere to the operating requirements and standards of conduct as specified in the following:

A. Business license holder and business control persons responsible. The adult entertainment business license holder and any business control person shall be responsible for and shall assure that the conduct of the managers, employees and customers of the adult theater complies with this chapter;

B. Licensed manager required on premises. The adult theater must have, during hours of operation, a licensed manager on duty who is stationed in a location from which every viewing area and all customer areas of the business are visible at all times either by direct line of sight or by continuous video monitoring;

C. Licensed manager responsible. The on-duty manager is responsible for and shall assure that the conduct of the employees and customers of the adult theater complies with this chapter;

D. Posting of licenses. The holder of an adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager;

E. Prohibited hours of operation. The adult theater business license holder, business control person or manager may not operate the adult theater or allow the adult theater to be open to customers between two a.m. and ten a.m.;

F. Minors prohibited. An individual under eighteen years old may not be in or on the premises of the adult theater. An adult theater business license holder, business control person or manager may not permit or allow a person under eighteen years old to be in or on the premises;

G. Alcohol prohibited without license. An individual may not possess, consume or serve an alcoholic beverage in the adult theater unless, and to the extent, the business is covered by a liquor license issued by the Washington State Liquor Control Board;

H. Obscene performances prohibited. An obscene performance may not be displayed or exhibited in the adult theater;

I. Sexual conduct prohibited. An individual may not engage in sexual conduct; and

J. Warning device prohibited. A person may not operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an employee, customer or other person that the police, health, fire or building inspector or other public official is approaching or entered the premises. (Ord. 13548 § 17, 1999).

6.09.170 Permission to inspect. An adult entertainment business shall permit the director and personnel from the sheriff's office to conduct unannounced inspections, during the hours when the business is open, of all exterior and interior areas of the business premises open to and used by customers and all books and records required to be kept under this chapter. The purpose of such inspections is to determine if the business is being conducted in compliance with this chapter. (Ord. 13548 § 18, 1999).

6.09.180 Grounds for suspension and revocation of licenses.

A. The director may suspend or revoke a license issued under this chapter in accordance with the following:

1. If a licensee obtained or renewed the license through a false, misleading or fraudulent omission or representation of material fact either on the application for the license or renewal or by failing to modify or supplement the application as required by K.C.C. 6.090140D, the license shall be revoked;

2.a. If a licensee violated other provisions of this chapter, the license shall be:

(1) suspended for thirty days on the first violation within twenty-four months of a prior violation,

(2) suspended for ninety days on the second violation within a twenty four month period, and

(3) revoked for a third violation within a twenty-four month period.

b. Time spent serving a suspension is not counted in determining the twenty-four month period referred to in subsection A.2a of this section.

c. For a business licensee, a violation for which the business license may be suspended or revoked includes a violation of this chapter by an employee, agent or entertainer occurring on the business premises when the business licensee knew or should have known of the violation; and

3.a. If a licensee is convicted of committing on the premises of an adult entertainment business a crime or offense involving one of the following, the license shall be revoked.

(1) a violation of chapter 9A.88 RCW, Indecent Exposure – Prostitution,

(2) a liquor law violation or a transaction involving a controlled substance as defined in chapter 69.50 RCW, or

(3) a violation of chapter 9A.44 RCW, Sex Offenses, chapter 9.68 RCW, Obscenity and Pornography or chapter 9.68A RCW, Sexual Exploitation of Children.

b. For a business licensee, a conviction for which the business license may be revoked includes the conviction of an employee, agent or entertainer for a crime or offense listed in subsection A.3a of this section occurring on the business premises when the business licensee knew or should have known of the crime or offense.

c. For purposes of this subsection A.3, "convicted" or "conviction" includes a bail forfeiture accepted by the court as the final disposition of the criminal charge.

B. A licensee whose license has been revoked is not eligible to reapply for the license for one year following the date the decision to revoke is final.

C. The director shall effect a suspension, revocation or disqualification by issuing a notice and order in accordance with K.C.C. 6.01.130.

D. On receipt of a notice and order of suspension or revocation, the license holder shall promptly deliver the license to the director unless an appeal is pending under this chapter. For a license suspension, the director shall return the license to the license holder for the license's remaining term on expiration of the suspension. (Ord. 13548 § 19, 1999).

6.09.190 Appeal of license denial, suspension and revocation.

A. A person whose application for a license has been denied by the director may appeal the denial to the board of appeals in accordance with K.C.C. 6.01.150 as modified by the following, which shall apply to such appeals:

1. A hearing on a timely filed appeal shall be held by the board not less than ten days nor more than twenty days from the date the appeal was filed with the director, unless the person filing the appeal agrees to a hearing at a later date;

2. During the course of the proceeding before the board of appeals, the burden of proof shall be on the director;

3. The board of appeals shall render its written decision on the appeal not more than thirty days after the close of the hearing; and

4. A person need not appeal the director's denial of a license to the board of appeals before seeking court review. In the event a person files an action seeking court review of the director's denial or files an action seeking court review of a decision of the board of appeals upholding such denial, either in an action brought in superior court pursuant to chapter 7.16 RCW, Certiorari, Mandamus, and Prohibition, or in any other action at law or equity, the county shall provide the person with an opportunity for a prompt court review and decision by: in an action to review the decision of the board of appeals, filing the record of the board of appeals with the court within twenty days after receipt of the writ of review; and in any case, expediting the filing of responsive pleadings and proposing an expedited briefing and hearing schedule with the objective of obtaining a final determination from the court within sixty days after commencement of the action. If the court has not entered a final determination within sixty days or such longer time period as may have been agreed to by the person challenging the license denial, the director shall issue a temporary license which shall be valid only until the court renders its determination either affirming the license denial or requiring the issuance of an annual license. A person issued such a temporary license shall be subject to all the provisions of this chapter including but not limited to the license suspension and revocation provisions.

B. An action of the director taken under this chapter suspending or revoking a license or denying a license renewal may be appealed in accordance with the procedures in K.C.C. 6.01.150. However, the following also applies:

1. If the director determines that a condition exists on the premises of an adult entertainment business which condition constitutes a threat of immediate serious injury or damage to a person or property, a business license may be immediately suspended. The director shall issue a notice setting forth the basis for the action and the facts that constitute a threat of serious injury or damage to a person or property and informing the license holder of the right to appeal the suspension. A suspension based on threat of immediate serious injury or damage may not be stayed during the pendency of an appeal;

2. During the course of proceeding before the board of appeals, the burden of proof is on the director; and

3. Enforcement of a notice and order of the director shall be stayed during the pendency of a timely and properly filed action seeking judicial review of a decision of the board of appeals. (Ord. 13548 § 20, 1999).

6.09.200 Nonobscene performances, dramatic works, classes, seminars or lectures not

prohibited. Nothing in this chapter shall be construed to prohibit:

A. A performance that is not obscene;

B. A play, opera, musical or other dramatic work that is not obscene; or

C. A class, seminar or lecture held for serious scientific or educational purposes. (Ord. 13548 § 21, 1999).

6.09.210 Preexisting nonconforming configuration. Premises operating under an adult entertainment license and in compliance with facility specifications in K.C.C. chapter 6.08 on June 20, 1999, may remain in compliance with such specifications for six months thereafter, after which the premises must comply with the facility specifications in this chapter. (Ord. 13548 § 22, 1999).

6.09.220 Limitations of liability. This chapter is not intended to create a cause of action or provide the basis for a claim against the county, its officials or its employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. A duty or obligation created under this chapter is intended to be a general duty or obligation running in favor of the general public. (Ord. 13548 § 23, 1999).

6.09.230 Criminal penalty. A person violating this chapter is, on conviction, guilty of a misdemeanor and shall be subject to a fine not to exceed one thousand dollars or imprisonment in the county jail for not more than ninety days, or both. (Ord. 13548 § 24, 1999).

6.09.240 Civil penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, a person who violates this chapter is subject to a civil penalty not to exceed one thousand dollars per violation, to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed by considering: the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation. A civil penalty assessed must be enforced and collected in accordance with the procedure specified under this title. (Ord. 13548 § 25, 1999).

6.09.250 Additional remedies. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin an act or practice that constitutes or will constitute a violation of this chapter or an applicable rule adopted under this title. (Ord. 13548 § 26, 1999).

6.09.260 Liquor regulations. Title 66 RCW, Alcoholic Beverage Control, and the rules of the Washington State Liquor Control Board govern to the extent they conflict with this chapter. The provisions of this chapter that refer to the minimum age of eighteen, including but not limited to the provisions relating to the required signs, require a minimum age of twenty-one as applied to an adult entertainment business that is licensed by the Washington State Liquor Control State Board. (Ord. 13548 § 27, 1999).

6.09.270 Construction and severability. This chapter governs to the extent it conflicts with K.C.C. chapter 6.01. If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 13548 § 28, 1999).

6.12 POOL AND BILLIARD TABLES

Sections:

6.12.010 License required - Nontransferable.
6.12.020 Definitions.
6.12.030 Coin operated.
6.12.040 Identification numbers.
6.12.050 License requirements.
6.12.060 License fees.
6.12.070 Renewal of license, registration or permit - Late penalty.
6.12.080 Civil penalty.
6.12.090 Violations and penalties.
6.12.100 Additional enforcement.

6.12.010 License required - Nontransferable. No person shall own or operate a pool or billiard table on any premises, sell or distribute coin operated pool or billiard table for the use of which a fee is

charged unless a license is obtained pursuant to the terms of this chapter. Any license issued under the terms of this chapter shall not be transferable to any person, persons or corporations other than that designated on the license. Any license issued to an operator shall apply to a single location only. (Ord. 1294 § 1, 1972).

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

A. A "billiard table" is a raised oblong felt covered table with raised cushioned edges, or any substantially similar device on which is played the game known as billiards or pool involving the use of a long tapering stick called a cue to propel pool or billiard balls;

B. A "pool table" is a billiard table with a pocket in each corner and at the middle of both sides, used for playing pool, the game wherein numbered balls are propelled into the pockets by persons using a cue;

C. An "operator" is a person who owns, operates or controls any pool or billiard table. An operator who owns or leases his place of business shall be allowed to own and operate his own pool tables and billiard tables upon compliance with this chapter;

D. A "vendor" is any person or firm or agent thereof that distributes or sells coin operated pool tables or billiard tables. (Ord. 1888 Art. V § 10, 1974; Ord. 1294 § 2, 1972).

6.12.030 Coin operated. Pool tables and billiard tables as referred to in Section 6.12.010 shall be activated by the player by the insertion of a coin into a locked coin chute device or by a device under the control of the owner or his duly appointed representative. (Ord. 1294 § 3, 1972).

6.12.040 Identification numbers. The director shall prescribe the method by which an identification number shall be assigned to each pool or billiard table. The identification number shall be permanently fixed by the director's representative in a place where it can be readily inspected. (Ord. 1294 § 4, 1972).

6.12.050 License requirements.

A. Each applicant for a license under the provisions of this chapter shall complete an application prepared by the director which shall include the following information: The name and address of the applicant, and if a corporation, the names and addresses of the officers thereof; a description of the kind of activity that will be conducted under the authority of the license; complete information as requested by the director concerning the ownership, and the name of business under which the activity is to be conducted; a declaration of any conviction of any laws relating to gambling or involving moral turpitude in which an intent to defraud was an element of the crime or of any law or ordinance relating to the use, sale or possession of narcotic or dangerous drugs or any substances controlled by the Washington State Board of Pharmacy, or any other such information the director may require which is reasonably necessary to aid in the enforcement of this chapter.

B. All applicants shall comply with building, planning, zoning and fire codes of King County and with any rules or regulations set forth by the state of Washington Liquor Control Board and all applicable consumer protection laws and must conform to RCW 26.28.080 and a showing of compliance with these regulations shall be required, where applicable, before a license under this chapter is issued, and violation thereof may be grounds for suspension or revocation of license. (Ord. 1294 § 5, 1972).

6.12.060 License fees.

A. For pool tables and billiard tables operating in a business establishment, the fee shall be $100.00 per table, up to a $500 maximum per establishment.

All licenses shall expire one year from the date of application. Any person purchasing a coin operated pool table must show by receipt, bill of sale or contract or letter that the table was purchased from a licensed vendor before a license shall be issued to him.

B. A vendor shall pay an annual license fee of one hundred dollars from date of issuance of license. (Ord. 10170 § 5, 1991: Ord. 5889 § 1, 1982: Ord. 5799 § 2, 1981: Ord. 1294 § 6, 1972).

6.12.070 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.12.080 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.12.090 Violations and penalties. Any person violating or failing to comply with any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in any sum not exceeding two hundred fifty dollars or by imprisonment in the county jail for a period not exceeding ninety days. (Ord. 1294 § 9, 1972).

6.12.100 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art IV § 2, 1974).

6.16 CLOSING OUT SALES

Sections:

6.16.010 Definitions generally.
6.16.020 Sale defined.
6.16.030 Advertising, etc., defined.
6.16.040 Inspector, investigator defined.
6.16.050 Goods defined.
6.16.060 License required.
6.16.070 Conditions for issuance.
6.16.080 Application for license.
6.16.090 Issuance.
6.16.100 License fee - Bond.
6.16.110 License conditions.
6.16.115 losing out a sales license - Fee.
6.16.120 License renewal.
6.16.130 Renewal of license, registration or permit - Late penalty.
6.16.140 General rules and regulations.
6.16.150 Commingling of goods.
6.16.160 Removal of goods - Loss of identity.
6.16.170 Inspection of premises.
6.16.180 Records.
6.16.190 Duties of licensee.
6.16.200 Persons exempted.
6.16.210 Penalties for violation.
6.16.220 Civil penalty.
6.16.230 Additional enforcement.

6.16.010 Definitions generally. For the purposes of this chapter, the following terms, phrases, words and their derivations shall be deemed to mean and be construed herein as follows in this chapter. (Res. 30983 § 1 (part), 1965).

6.16.020 Sale defined. "Sale" means the following:

A. Any sale of or any offer to sell to the public, goods, wares or merchandise, on order, in connection with the declared purpose as set forth by representing or advertising that such sale is anticipatory to or is to avoid the termination, liquidation, revision, windup, discontinuance, dissolution or abandonment of a business or portion of the business conducted at any location.

B. Any sale accompanied by representation or advertising indicating an economic or business emergency or failure affecting the seller or any previous holder of the goods to be disposed of.

C. Any sale accompanied by representation or advertising which in any manner does or is intended to convey to the public the belief that upon disposal of the goods to be placed on sale, the business or a portion thereof being conducted at any location is contemplated to be or will be interrupted or removed and changed.

D. Any sale represented or advertised which in any manner does or is intended to indicate that the goods, wares or merchandise to be sold, or any part thereof, has been involved in any business failure or has been derived from a business which has failed, been closed, discontinued or liquidated.

E. Any sale represented or advertised which does or is intended to indicate that the goods, wares, merchandise to be sold, or any part thereof, are goods damaged or altered by fire, smoke, water or other means.

F. Any sale pursuant to the aforementioned definitions, including but not limited to a sale which is represented, advertised or held forth in any of the following terms: "Adjustor's sale," "adjustment sale," "assignee's sale," "bankrupt sale," "benefit of administrator's sale," "benefit of creditor's sale," "benefit of trustee's sale," "building coming down sale," "closing sale," "closing out sale," "consolidation sale," "creditors' committee sale," "creditors' sale," "discontinuance of business sale," "executor's sale," "final days sale," "fire sale," "forced out sale," "forced out of business sale," "going out of business sale," "insolvent sale," "insurance salvage sale," "last days sale," "lease expires sale," "lease expiring sale," "liquidation sale," "loss of lease sale," "merger sale," "mortgage sale," "must vacate sale," "quitting business sale," "receiver's sale," "removal sale," "reorganization sale," "salvage sale," "selling out sale," "smoke sale," "smoke and water damage sale," "trustee's sale," "water damage sale," "wholesale closing out sale," "we quit sale," "we give up sale," "fixtures for sale," or advertised or represented by any other expression or designation similar to any of the foregoing and calculated to convey the same meaning. (Res. 30983 § 1 (part), 1965).

6.16.030 Advertising, etc. defined. "Advertise," "advertisement," "advertising," "publish," "publication," "represent," "representation" means any and all means, whether oral, written, lettered or printed, used to convey to the public notice of the conduct of a sale as defined in Section 6.16.020, or notice of intention to conduct such sale, including but not limited to oral or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed display, billboard display, poster, radio and television announcement. (Res. 30983 § 1 (part), 1965).

6.16.040 Inspector, investigator defined. "Inspector" or "investigator" means an inspector or investigator appointed by and/or authorized by the director. (Ord. 1888 Art. V § 11, 1974: Res. 30983 § 1 (part), 1965).

6.16.050 Goods defined. "Goods" means any goods, wares, merchandise or other property capable of being the object of a sale as regulated herein. (Res. 30983 § 1 (part), 1965).

6.16.060 License required. It is unlawful for any person to advertise, publish, represent or conduct any sale of goods as defined in Sections 6.16.010 through 6.16.080 in the unincorporated areas of King County unless a license has been obtained as hereinafter provided. (Res. 30983 § 2, 1965).

6.16.070 Conditions for issuance. The following persons shall not be granted a license;

A. Has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least ninety days prior to the date of the application; provided, upon the death of a person doing business, his or her heirs, devisees or legatees shall have the right to apply at any time for a license;

B. Has held a sale, as regulated by this chapter, at the location stated in the application for license within six months from the date of such applications;

C. Has been convicted of violating this chapter or any part hereof, or a person who has in his employ for the conduct of the sale as regulated by this chapter one who has been convicted of violating this chapter within a period of one year prior to the date of the application for a license. (Res. 30983 § 3, 1965).

6.16.080 Application for license. No license to conduct a sale, as defined herein, shall be granted except upon written application to the director which shall be signed and sworn to by the person who intends to conduct such sale or his duly authorized agent. Such application shall contain the following information:

A. The true name, home address and business address of the owner of the goods to be the object of the sale and the true name, home address and business address of the person who shall conduct the sale if not the owner of the goods;

B. Whether the proposed sale is to be held at the applicant's or owner's existing, regularly established place of business;

C. Description, by street address or location, and kind of building where such sale is to be held;

D. The nature of the occupancy, whether by ownership, lease or sublease; and if by lease or sublease, the effective date of the termination of same;

E. The dates when such sale is to be conducted;

F. A copy of all advertisements or a statement of all advertising themes to be used in connection with such sale and a statement of the means or methods of advertising to be used in advertising such sale;

G. A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

H. A complete and detailed inventory setting forth the amount and description of goods to be sold at such sale, and the date of acquisition of such goods and the name and address of the person from whom obtained and the place from which such goods were last taken. The inventory shall be attached to and become part of the required application. The director may require in addition that all goods listed upon the inventory be so described in detail by manufacturer's name and lot number, the individual number of articles so numbered, colors, sizes and otherwise that the identity of such goods with the goods listed on such inventory can be readily determined. In addition, the director may require a listing of each article to be sold together with an inventory number for each article;

I. A showing that the applicant has made a return to the King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes, and that the applicant has paid any tax due;

J. Such other information as the director may require. (Ord. 1888 Art. V § 13, 1974: Ord. 1604 § 1, 1973: Res. 30983 § 4, 1965).

6.16.090 Issuance. Upon filing of the application, the director may make or cause to be made an examination, audit or investigation of the applicant and his affairs in relation to the proposed sale. If the director finds that the statements in the application are true, that the inventory is complete, that the advertising or advertising theme set forth is not false, fraudulent, deceptive or misleading in any respect, and that the methods to be used by the applicant in conducting the sale are not such as, in the opinion of the director, will work a fraud upon the purchasers, the director shall issue a license to conduct such sale in accordance with the provisions of this chapter; provided, the director may refuse to issue a license because of the insufficiency of the information set forth in the application, but in such event the applicant shall be permitted to file an amended application; further provided, that, no license shall be issued until the applicant shows that he has made a return to the King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid any tax due. (Ord. 1888 Art. V § 13, 1974: Ord. 1604 § 2, 1973: Res. 30983 § 5, 1965).

6.16.100 License fee - Bond. All applications for license must be made at least sixty days and not more than ninety days before the date the sale is to commence; and the applicant shall file with the director a bond in a form approved by the director, executed by a surety company authorized to do business in this state, in an amount equal to one-half of the cost value of the goods inventoried for sale, the bond shall be approved by the director. The bond shall run to the county of King, state of Washington, and shall state that it is for the use or benefit of persons who may be damaged by the violation of this chapter by the licensee, his employees or agents, or who may have a cause of action against the licensee, his employees or agents, by reason of any matters arising out of the conduct of the sale. Any such person shall have, in addition to any other right of action which he may have, a right of action on such bond for all damages not exceeding one thousand dollars, and the aggregate liability of the surety upon the bond for all claims which may arise thereunder shall not exceed the sum specified in the bond. The director shall, upon compliance with all the requirements set forth in this chapter, issue a license to hold a sale as herein provided; provided, any person who has been conducting a business in the same location where the sale is to be held for a period of not less than one year, prior to the date of the application for a license hereunder, shall be excepted from the filing of the bond herein provided. (Ord. 1888 Art. V § 14, 1974: Res. 30983 § 6, 1965).

6.16.110 License conditions. Any license issued under the provisions of this title shall authorize the type of sale named in the application, at the place named therein, for a period of not more than thirty consecutive days, Sundays and legal holidays excluded, and shall permit the sale of goods which are set forth in the application and inventory, all of which goods throughout the duration of the sale must be definitely separated by partition or temporary partition from any other goods displayed at, or within the store or place of business, and all advertising, signs or notices referred to or calling attention to the sale must be confined to the display, or displayed goods involved in the sale. (Res. 30983 § 7, 1965).

6.16.115 Closing out a sales license - Fee. The fee for closing out a sales license shall be as follows:

Original license	$300.00
1st 30 day renewal	200.00
2nd 30 day renewal	200.00

(Ord. 10170 § 6, 1991).

6.16.120 License renewal. The director may, upon a verified application therefor renew the license for a period not to exceed thirty days, upon payment of a renewal fee in the amount of two hundred dollars. Such verified application for renewal shall set forth a complete list of goods listed in the original application and remaining unsold, and shall certify that it does not contain any goods not named in such original application. Upon receipt of such application, the director may cause an investigation to be made, and if satisfied of the truth of the statements contained therein, the director shall grant such renewal within fifteen days after such application, which shall be endorsed and signed as provided for in the original license. The director may renew any original license in the manner above provided, not to exceed two times, upon the payment of the sum of two hundred dollars for such renewal; provided, however, that the director may not issue licenses or renewals which will allow the conduct of any sale as provided herein at any one location for more than ninety consecutive days, Sundays and legal holidays excluded, in any one twelve-month period. (Ord. 1888 Art. V § 15, 1974: Res. 30983 § 8, 1965).

6.16.130 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.16.140 General rules and regulations. The license as issued pursuant to this chapter shall be valid only for the advertising, representations and sale of the particular goods, wares or merchandise described in the original application therefor, and at the particular time, and particular place stated therein, and by the particular applicant or his executor or administrator, and any renewal, replenishment or substitution of such goods, wares or merchandise, or change of such time or place for such sale, or change of person conducting the sale, is unlawful and shall render such license void. (Res. 30983 § 9 (part), 1965).

6.16.150 Commingling of goods. No person in contemplation of conducting any sale, or during the continuance of such a sale, shall order any goods for the purpose of commingling or selling them at such sale, and any unusual purchase or additions to the stock within ninety days before the filing of such application for a license to conduct such a sale shall be presumptive evidence that such purchase or additions were made in contemplation of such sale and for the purpose of commingling or selling them at such sale. (Res. 30983 § 9 (part), 1965).

6.16.160 Removal of goods - Loss of identity. Any removal of any goods, wares or merchandise inventoried and described in the original application form from the place of sale mentioned in such application shall cause such goods to lose their identity as the stock of any of the sales defined herein, and no license thereafter will be issued for the conducting of a sale of any goods, wares or merchandise in such manner as to identify them with the store, store name, store owner or location referred to in the original application. (Res. 30983 § 9 (part), 1965).

6.16.170 Inspection of premises. A duplicate original of the application and stock inventory, pursuant to which such license was issued, shall at all times be available to the director at the place of such sale and the holder of the license shall permit the director to examine all merchandise in the premises for comparison with such stock inventory. (Ord. 1888 Art. V § 16, 1974: Res. 30983 § 9 (part), 1965).

6.16.180 Records. Suitable books and records, including total receipts of both cash and credit sales, shall be kept by the licensee and shall at all times be available to the director, his inspector and investigators for inspection. (Ord. 1888 Art. V § 74, 1974: Res. 30983 § 9 (part), 1965).

6.16.190 Duties of licensee. A licensee, his employees and agents shall:

A. Not sell goods at a sale for which the application was obtained unless the same was listed in the inventory accompanying the application;

B. Represent to the public the true manufacture, quality and kind of said goods. If requested by anyone, a copy of the inventory will be shown;

C. Not cause to be sold goods which have been falsely described or concerning which any false statement has been made. (Res. 30983 § 9 (part), 1965).

6.16.200 Persons exempted. The provisions of this chapter shall not apply to or affect the following persons:

A. Persons acting pursuant to an order or process of a court of competent jurisdiction;

B. Persons acting in accordance with their powers and duties as public officials;

C. Persons conducting jewelry and appliance auctions in accordance with RCW Chapter 18.12;

D. Persons conducting a sale of the type regulated herein on the effective date of this chapter, unless such sale is continued for a period of more than thirty days from and after such effective date, in which event, such person, at the lapse of the thirty day period, shall comply with the provisions of this chapter;

E. Any publisher of a newspaper, magazine or other publication or radio or television station, who publishes any such advertisement in good faith, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this chapter have not been complied with. (Res. 30983 § 11, 1965).

6.16.210 Penalties for violation. Every person as principal, agent or otherwise, failing, neglecting or refusing to comply with any provision of this chapter, or violating the same, is guilty of a misdemeanor. Each separate sale or offering for sale of goods, wares or merchandise in violation of the provisions of this chapter shall constitute a separate offense hereunder. (Res. 30983 § 12, 1965).

6.16.220 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.16.230 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.20 DANCES

Sections:

6.20.004 General Provisions - Applicability.
6.20.010 Definitions.
6.20.020 Dance or dance hall license or permit - Required - Exceptions.
6.20.030 Dance hall license - Application.
6.20.040 Dance permit - Application.
6.20.050 Dance hall license - Investigation.
6.20.060 Dance or dance hall - Prerequisites to license or permit issuance.
6.20.070 Hours of operation.
6.20.072 Public youth dance - Hours of operation - Age restrictions - Penalty.
6.20.074 Public youth dance - Readmission fee.
6.20.080 Fees.
6.20.090 Denial of license or permit.
6.20.100 Suspension or revocation of license or permit.

6.20.110 Transferability of license or permit.
6.20.120 Civil penalty.
6.20.130 Additional enforcement.
6.20.140 Licensing - Retroactivity.

6.20.004 General provisions - Applicability. This chapter is subject to the general licensing provisions of Chapter 6.01, King County code. In the event of a conflict between this chapter and Chapter 6.01, the provisions of this chapter shall apply. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal or modify any of the provisions of any other law or county ordinance relating to dance halls or licensing. (Ord. 7832 § 2, 1986).

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

A. "Public dance" means any dance which is open to the public and which is held and conducted for a profit, direct or indirect.

B. "Public youth dance" means any public dance that is readily accessible to the public and which permits the entry of any persons under the age of eighteen years. For the purposes of this chapter, the term "public dance" shall be construed so as to include all "public youth dances" except where specifically indicated otherwise.

C. "Public dance hall" means any place where a public dance is conducted, operated or maintained and includes the premises on which the public dance is conducted, operated or maintained and any and all areas attached to or adjacent to such premises including, but not limited to, all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public during the dance. (Ord. 7832 § 3, 1986: Ord. 2095 § 1, 1974).

6.20.020 Dance or dance hall license or permit - Required - Exceptions.

A. It is unlawful for any person to conduct, operate or maintain a public dance or public dance hall unless the person who is conducting, operating or maintaining such public dance or public dance hall has obtained a license or permit in the manner prescribed in this chapter.

B. Exceptions. The requirements of this chapter shall not apply if:

1. The public dance is sponsored by an accredited educational institution; or

2. The public dance is sponsored by a nonprofit tax exempt organization, corporation or association recognized by the United States of America as exempt from federal income taxation pursuant to 501(c) (1) or (3) of the Internal Revenue Code of 1954, 26 U.S.C. 501 as now existing or hereafter amended.

C. County Agency Operation. If the public dance hall is managed or operated by a King County government agency, the requirements of this chapter may be waived by the director by rule adopted pursuant to Chapter 2.98, K.C.C. upon written application by the chief officer of the agency. (Ord. 7832 § 4, 1986: Ord. 2095 § 2, 1974).

6.20.030 Dance hall license - Application.

A. The person desiring to conduct, operate or maintain a public dance hall on a yearly or six-month basis shall be responsible for obtaining a public dance hall license from the director.

B. Renewal applications for a public dance hall license (yearly or six-month) shall be made in writing on forms provided by the director at least fourteen days prior to the expiration date of the existing license.

C. Each applicant for a license shall complete an application form prepared by the director which shall include the following information:

1. The name and address of the applicant;

2. If the applicant is a corporation or a partnership the names and addresses of the officers or directors thereof;

3. The name and address of the owner or owners of the premises upon which the dance hall is located;

4. The name of the business under which the activity is to be conducted;

5. A declaration by the applicant or, if the applicant is a corporation or a partnership, the officers, directors, or partners, of any conviction within the past five years from the date of application of any of the crimes enumerated in K.C.C. 6.20.090, subparagraph A.2.; and

6. Any other information the director may require to aid in the implementation and enforcement of this chapter. (Ord. 7832 § 5, 1986: Ord. 2095 § 3, 1974).

6.20.040 Dance permit - Application.

A. The person desiring to conduct, operate or maintain a one-night public dance, whether on premises licensed as a public dance hall or not, is responsible for obtaining a one-night public dance permit from the director, at least fourteen days prior to the date the dance is to be held, for each such one-night public dance.

B. Each applicant shall be issued a permit upon completion of an application form which includes:

1. Name of organization holding dance;
2. Location of dance;
3. Approval of King County fire marshal. (Ord. 2095 § 4, 1974).

6.20.050 Dance hall license - Investigation. Upon the filing of an application for a public dance hall license, the director shall refer the same to the King County department of public safety for investigation of the statements contained in such application. A written report containing the results of the department of public safety investigation shall be furnished to the director if requested. (Ord. 2095 § 5, 1974).

6.20.060 Dance or dance hall - Prerequisites to license or permit issuance. Applicants must comply with the building, zoning, planning and fire codes of King County and with any rules or regulations set forth by the state of Washington Liquor Control Board. A written report that the applicant has complied with these codes and regulations shall be furnished to the director before a license or permit under this chapter is issued. Applicants must submit, for any dance or dance hall where the expected attendance will exceed one thousand people based on past experience or the statement of the applicant, such information as deemed appropriate by the department of public safety to insure adequate traffic control and crowd protection policing either arranged through private security agencies or has been contracted for with the department of public safety. A written notice that the applicant has complied with the requirement shall be issued by the director before a dance or dance hall permit or license is issued; provided, that permits or licenses issued prior to the effective date of the ordinance codified herein shall entitle the holder of such permit or license a period of thirty days, following the effective date to comply with the traffic control and crowd protection requirement; provided, further, that if the applicant should contract for traffic control and crowd protection policing with King County, in no event should the sum agreed upon in payment for such policing be less than the actual expense incurred by the county in providing that service. Such consideration shall be calculated for personnel resources on the hourly rate for overtime under the current collective bargaining agreement, plus that percentage then being paid for fringe benefits, and all sums paid under such contract shall be paid in accordance with procedures specified by the King County comptroller. (Ord. 4270 § 1, 1979: Ord. 2095 § 6, 1974).

6.20.070 Hours of operation. No public dance or public dance hall shall be conducted, operated or maintained after the hour of two-thirty a.m., provided that, public dancing and those activities related to public dancing licensed by King County such as live musical entertainment shall be permitted until four a.m. in establishments which have a class "H" liquor license and are in an area within 2000 feet of Sea-Tac International Airport and 500 feet of a state highway. (Ord. 7070 § 2, 1984: Ord. 2095 § 7, 1974).

6.20.072 Public youth dance - Hours of operation - Age Restrictions - Penalty.

A. No person or entity conducting a public youth dance or maintaining a public youth dance hall shall allow persons under the age of sixteen years to enter or remain on the premises without that person's parent or legal guardian present.

B. No person or entity conducting or operating a public youth dance or public youth dance hall shall allow persons under the age of eighteen years to enter or remain on the premises after 2:00 a.m. without that person's parent or legal guardian present.

C. Every person who knowingly or recklessly shall allow a person to enter or remain at a public youth dance in violation of this section shall be guilty of a misdemeanor. It is the sole responsibility of the person or entity conducting and/or operating a public youth dance to require identification showing the age of each person admitted.

D. Any person under the age of eighteen years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public youth dance in violation of this chapter shall be guilty of a misdemeanor. (Ord. 7832 § 6, 1986).

6.20.074 Public youth dance - Readmission fee. No person or entity conducting or operating a public youth dance or public youth dance hall shall permit any person, other than an employee, to leave the dance or dance hall and return unless that person pays a readmission fee equal to, or greater than, one-half the original price of admission. (Ord. 7832 § 7, 1986).

6.20.080 Fees. The fees for conducting, operating or maintaining a public dance hall or public dance are fixed as follows:

Public dance hall or public dance license (one-year), $200.00;

Public dance hall or public dance license (six-month), $100.00;

One-night public dance permit $50.00. (Ord. 10170 § 7, 1991: Ord. 5799 § 3, 1981: Ord. 2095 § 8, 1974).

6.20.090 Denial of license or permit.

A. The director may deny a license or permit if the applicant or, if the applicant is a corporation or partnership, the applicant's officers, directors or partners of any agent thereof, have:

1. Committed any act which, if committed by a licensee or permittee, would be grounds for the suspension or revocation of a license or permit;

2. Been convicted within the last five years of:

a. A felony involving a crime of violence as defined in RCW 9.41.010, or a felony under RCW Chapter 69.50, or any felony or misdemeanor under RCW Chapters 9A.44, 9A.64, or 9A.88;

b. Contributing to the dependency or delinquency of a minor; or

c. Assault on a juvenile.

3. Been refused a license or permit or had a license or permit revoked under the provisions of this chapter; provided, however, that any applicant denied a license or permit may reapply after six months if the basis for such denial no longer exists;

4. Committed any act for which a license is required under the provisions of this chapter;

5. Failed to comply with the building, zoning, planning or fire codes of King County, or any rules or regulations set forth by the state of Washington Liquor Control Board; or

6. Knowingly made any false statement in the applicant's application.

B. The director may deny a license if he determines that the conduct, operation or maintenance of a public dance hall or public dance will disturb the peace and quiet of the neighborhood in which the same is located. (Ord. 7832 § 8, 1986: Ord. 2095 § 9, 1974).

6.20.100 Suspension or revocation of license or permit. The director may suspend or revoke a license or permit if he determines that the licensee or permittee or any of the licensee's or permittee's officers, directors or partners or agents have:

A. Intentionally failed to disclose any material fact in the application for a license or permit, or a renewal of a license or permit;

B. Knowingly made any false statement or given any false information in connection with an application for a license or permit or a renewal of a license or permit or a renewal of a license or permit;

C. Failed to remove or attempt to remove from the dance premises any person who appears to be under the influence of or affected by the use of alcohol and/or drugs or whose conduct reasonably appears to pose a physical danger to the safety of others present;

D. Committed any act which is a ground for denial of a license or a permit; or

E. Violated any of the provisions of this chapter. (Ord. 7832 § 9, 1986: Ord. 2095 § 10, 1974).

6.20.110 Transferability of license or permit. Any license or permit issued under the provisions of this chapter shall apply to a single location only and shall not be transferable to other locations; provided, however, that the license or permit may be transferred to another person provided such person satisfies the license or permit requirements contained herein and pays a transfer fee of twenty-five dollars. (Ord. 2095 § 11, 1974).

6.20.120 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.20.130 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.20.140 Licensing - Retroactivity. All licenses issued prior to November 10, 1986, shall entitle the holder of such license a period of thirty-five days, following the effective date of the ordinance, to comply with the provisions of K.C.C. 6.20.002, .004, .010, .020, .030, .072, .074, .090 and .100. (Ord. 7832 § 10, 1986).

6.24 PRIVATE SECURITY

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6.24.010 Definitions. For the purpose of this chapter the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

A. "Armored-transport agencies" provide armed personnel to convey valuable articles for a fee.

B. "Contract guard or patrol agencies" includes partnerships, corporations joint ventures, as well as individuals who are self-employed which provide privately employed guards or patrolmen for a fee.

C. "Contract investigative agency" includes partnerships, corporations, joint ventures, as well as individuals who are self-employed which provide private investigative services for a fee, except individuals investigating bodily injury or property damage actions under the supervision of a licensed attorney.

D. "Credit investigation agencies and credit investigators" are businesses and persons who conduct investigations primarily to furnish information as to the business and financial standing and credit responsibility of persons, firms, or corporations.

E. "In-house guard forces" provide private guard services exclusively in connection with the affairs of the one business that employs them.

F. "In-house investigative forces" provide private investigative services exclusively in connection with the affairs of the one business that employs them.

G. "Private guards" are persons who protect or attempt to protect persons or property from damage, injury, loss, or any criminal act and includes "guard dogs," "watchmen," "security officer," "protective agent," "merchant guard," and "special officer."

H. "Private/merchant patrolmen" perform the same functions as guards, but do so at a number of different locations, access to which is accomplished by means of travel on public property.

I. "Private investigators/detectives" are personnel who conduct investigations for a contract investigative agency, including undercover agents employed by contract agencies, but excluding in-house investigative force employees, credit investigators, insurance investigators and adjusters.

J. "Private investigation" includes investigations by a privately employed person(s) for the purpose of obtaining information concerning:

1. Crimes or wrongs, done or threatened;
2. The identity, habits, conduct, movements, whereabouts, associations, transaction, credibility, reputation, employment history, criminal record, or character of any person(s), group, or business, for any purpose;
3. The location of lost or stolen property;
4. The causes and responsibility for fires, libel, slander, losses, accidents or injuries;
5. The whereabouts of missing persons.

K. "Private security" includes all privately employed guards, investigators, detectives, patrolmen, and any other personnel performing similar security functions or services. (Ord. 1888 Art. V § 43, 1974; Ord. 1492 § 1, 1973).

6.24.020 License required. No contract investigative agency or contract guard or patrol agency shall furnish private security services, nor shall they advertise, solicit, nor in any way promise nor inform anyone that they will perform such services in unincorporated King County without receiving from the director a license as provided in this chapter. (Ord. 1492 § 4, 1973).

6.24.030 Exemptions. The provisions of this chapter shall not apply to:

A. A person employed as an in-house guard and/or investigator by only one employer in connection with the affairs of such employer and where there exists an employer-employee relationship;

B. An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the employee or officer is engaged in the performance of official duties;

C. A person engaged exclusively in the business of obtaining and furnishing information in relation to the financial rating of persons;

D. An attorney-at-law in performing his duties;

E. Admitted insurers, agents, and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them. (Ord. 1842 § 1, 1973: Ord. 1492 § 5, 1973).

6.24.040 License - Application.

A. An application for a license under the provisions of this chapter shall be in the form prescribed by the director and shall include the following:

1. Full name and business address of the applicant;
2. Name under which the applicant intends to do business;
3. A statement as to the general nature of the business in which the applicant intends to engage;
4. Whether or not a firearm is to be used in connection with the applicant's duties as a licensee;
5. A statement as to the classification under which the applicant desires to be qualified;
6. The full name and residence address of each of its officers, partners, and directors, if the applicant is an entity other than an individual;
7. Three recent photographs of the applicant, of a type to be prescribed by the director;
8. A classifiable set of fingerprints;
9. A statement of experience qualifications;
10. Employment history for five years preceding the date of the application;
11. A list of arrests, convictions or confinements, and,
12. Any other information, evidence, statements, or documents as may be required by the director.

B. The applicant for a license, under the provisions of this chapter, shall be eighteen years of age or older and have two years experience in security work determined to be adequate by the director. Security work determined to be adequate shall include, but is not limited to, the following:

1. Two years active experience in private security work while in the military;
2. Two years active experience in public law enforcement;
3. Successful completion of two years of college level study in law enforcement, police science, criminology, or areas of like nature;

4. Successful completion of a course of study which has been approved by the director and a representative of the King County Department of Public Safety, on the basis that such course provides sufficient material to enable students thereof to operate competently as a licensee under this chapter;

5. Two years active experience as a registrant under the provisions of this chapter; and

6. Any combination of the above acceptable to the director.

C. The applicant for registration under the provisions of this chapter, shall be eighteen years of age or older. (Ord. 1492 § 6, 1973).

6.24.050 Procedures required of licensees. Licensees shall perform private security services in such fashion that no interference with the King County Department of Public Safety will result. Regarding this end, licensees shall:

A. Recommend to their customers that, in the event of a police problem the customer should first call their respective police department;

B. If a customer calls about a law enforcement problem, instruct the customer to call their department of public safety if possible; and if not possible, the licensee will notify the department of public safety;

C. Instruct its employees that, if a situation involving possible department of public safety interest is observed, the employee will immediately notify the department of public safety;

D. If sign of entry is noticed by an employee on duty, instruct employees to immediately notify the department of public safety;

E. Use all reasonable efforts to inform and advise their present and prospective officers, directors, partners, agents, representatives, employees, and all other persons acting under, for, or on behalf of the licensee, of the provisions of this chapter, and direct them to comply therewith. (Ord. 1492 § 7, 1973).

6.24.060 Background check. Each person, as defined in this chapter, will be subject to a background check, as determined by the director, through the department of public safety. The Department of Public Safety shall send a letter to the director concerning the background of the applicant, which may contain any objection or recommendation as to the application. (Ord. 1492 § 8, 1973).

6.24.070 License - Scope and classification.

A. No person may engage in any private security operation outside the scope of his license.

B. For the purpose of defining the scope of licenses, the following license classifications are established:

1. Class A: Contract investigative agency, covering operations as defined in Section 6.24.010 C.;

2. Class B: Contract guard or patrol agency, covering operations as defined in Section 6.24.010 I. and J.;

3. Class C: Covering the operations included within Class A and Class B, as defined in Section 6.24.010. (Ord. 1492 § 9, 1973).

6.24.080 License - Fees. Fees for licenses under the provisions of this chapter are fixed as follows:

A. Class A license - $150.00 per year;

B. Class B license - 5 or more registrants - $150.00 per year;
- 4 or less registrants - $100.00 per year;

C. Class C license - $250.00 per year.

There shall be no lower fee, based on number of registrants, for Class C license. (Ord. 1492 § 10, 1973).

6.24.090 License - Denial. The director may deny a license if the applicant, if an individual, has, or if the applicant is a person other than an individual, that any of its officers, directors, or partners have:

A. Committed any act constituting fraud;

B. Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under the provisions of this chapter;

C. Committed any act resulting in conviction of a felony or a crime involving moral turpitude;

D. A record, based upon reliable evidence, which leads to the reasonable conclusion that the applicant is not competent to perform the duties and fulfill the responsibilities of a licensee under the provisions of this chapter;

E. Been refused a license under the provisions of this chapter or had a license revoked; provided, however, that any applicant denied a license under the provisions of this chapter may reapply after six months if the basis for such denial no longer exists;

F. Been an officer, director, or partner who knowingly participated or acquiesced in the acts or conduct of any person, as defined by this chapter, for which that person was refused a license, or whose license was revoked under the provisions of this chapter;

G. While unlicensed, committed or aided and abetted the commission of any act for which a license is required under the provisions of this chapter;

H. Failed to successfully complete the firearms test specified in Section 6.24.240;

I. Made any false statements in his application; or

J. Failed to comply with the requirements of Section 6.24.050. (Ord. 1492 § 11, 1973).

6.24.100 License - Revocation or suspension.

A. The director may suspend or revoke a license issued under the provisions of this chapter if he determines that the licensee, if an individual, has, or if the licensee is a person other than an individual, that any of its officers, directors, or partners have:

1. Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license;

2. Violated any of the provisions of this chapter;

3. Been convicted of a felony or any crime involving moral turpitude;

4. Illegally used, carried or possessed a dangerous weapon;

5. Violated any rule of the director adopted pursuant to his authority contained in this chapter;

6. Committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

7. Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee;

8. Acted as a runner or capper for any attorney; or

9. Committed any act which is a ground for denial of an application for license under the provisions of this chapter.

B. The director may suspend or revoke a license issued under the provisions of this chapter if he determines that the licensee, if an individual, has, or if the licensee is a person other than an individual, that any of its officers, directors, or partners have knowingly employed, or knowingly has in his employment any person who:

1. Has committed any act, which, if committed by a licensee, would be grounds for suspension or revocation of a license under the provisions of this chapter;

2. Has been convicted of a felony or any crime involving moral turpitude;

3. Has a record, based upon reliable evidence, which leads to the reasonable conclusion that the applicant is not competent to perform the duties and fulfill the responsibilities of a registrant under the provisions of this chapter; or

4. Does not possess a valid registration card issued under the provisions of this chapter.

C. The director may suspend or revoke a license issued under the provisions of this chapter if he determines that the licensee, if an individual, has, or any of the officers, directors, partners, or employees if the licensee is a person other than an individual, have committed or used any unfair or deceptive acts or practices in the course of the licensee's business. Examples of such acts and practices are:

1. Engaging in retail installment transactions with members of the public in the state of Washington without complying with all applicable provisions of RCW 63.14 as amended;

2. Using a name different from that under which he is currently licensed on any advertisement, solicitation, or contract for business;

3. Knowingly making a false report to his employer or client for whom the information was being obtained;

4. Willfully failing or refusing to render a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, if required by law;

5. Making any false, deceptive or misleading representations to members of the public concerning the qualifications of employees and agents of the licensee, the nature or extent of the services provided by the licensee, or the cost to members of the public of services by the licensee;

6. Manufacturing evidence;

7. Knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or libel in the course of business; or,

8. Accepting employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of his employment by such client or former client.

D. Suspension or revocation of a license issued under the provisions of this chapter shall take effect only after the expiration of the period in which an appeal thereof may be filed.

E. In cases of suspension, the license or registration shall be reinstated upon compliance with the violated provision(s) of this chapter or until the period of suspension fixed by the director has expired.

In cases of revocation, the license or registration shall be canceled; provided, however, such revocation for violation of any of the provisions of this chapter shall not relieve the licensee or registrant of the penalties otherwise provided for in this chapter. (Ord. 1492 § 12, 1973).

6.24.110 License - Transferability. A license issued under the provisions of this chapter shall apply to a single location only and shall not be transferable to other locations or to any other person other than that designated on the license; provided, however, that, in the event of death of the individual, partner(s) or officer(s) who satisfied the requirements of Section 6.24.040 B., the surviving spouse, partner(s) or officer(s) may operate under the existing license for a period not to exceed ninety days; further provided, however, that, at the end of this ninety day period, the surviving spouse, partner(s) or officer(s) shall satisfy the requirements of Section 6.24.060 B. (Ord. 1492 § 15, 1973).

6.24.120 New officers. Applications, on forms prescribed by the director, shall be submitted by all new officers or partners. The director may suspend or revoke a license issued under the provisions of this chapter if he determines that at the time the person becomes an officer or partner of a licensee, any of the facts in Sections 6.24.090 and 6.24.100 existed as to such person. (Ord. 1888 Art. V § 44, 1974; Ord. 1492 § 17, 1973).

6.24.130 Licensee responsible for conduct of employee. A licensee shall at all times be legally responsible for the good conduct of each employee while on duty. (Ord. 1492 § 18, 1973).

6.24.140 Emergency equipment. It is unlawful for any licensee, or his agents, to use emergency equipment, such as sirens and flashing red or blue lights, on vehicles owned or operated by the licensee, except as specifically authorized or licensed by the state of Washington or any of its political subdivisions. (Ord. 1492 § 19, 1973).

6.24.150 Certain practices prohibited.

A. It is unlawful for a licensee to represent to members of the public in any way, either directly or indirectly or by implication, that the licensee is an official or semiofficial law enforcement organization or that employees, agents or solicitors of the licensee are authorized by the state of Washington or any of its political subdivisions to act as law enforcement officers, including, by way of example but not limitation, the following conduct:

1. Use of any name or initials in the course of business which has the capacity or tendency to convey said representation to members of the consuming public, including, but not limited to, any name using the words "police", "department", "King County Police", or "King County Detective", "King County Sheriff" or "King County Deputy Sheriff":

2. Use of any uniform, badge, insignia, business card, stationery or any other device, object, or type of apparel, which is not readily distinguishable to average members of the consuming public from such devices, objects or types of apparel which are used by authorized law enforcement officers;

3. Use any uniform, badge, insignia, title or identification card, or make any statement with the intent to give an impression that the licensee is connected in any way with the federal government, a state government or any political subdivision of either; or

4. Use any letterhead, advertisement or other printed matter, or in any manner illegally represents that the licensee is an instrumentality of the federal government, state government or any political subdivision of either.

B. It is unlawful for any licensee to engage in any acts, practices or conduct which hampers the operations and activities of authorized law enforcement and public safety officials. (Ord. 13037 § 2, 1998: Ord. 1492 § 20, 1973).

6.24.160 Uniforms - Approval required. No license shall be issued under the provisions of this chapter until approval is given by the director and the Department of Public Safety, of the uniforms and accouterments to be worn by registrants of the licensee. (Ord. 1492 § 21, 1973).

6.24.170 Divulgence of information. Any licensee or officer, director or partner of a licensee shall divulge to any law enforcement officer or prosecuting attorney, or his representative, any information he may acquire as to any criminal offense, as he may be required by law so to do; provided, however, that he shall not divulge to any other person any information acquired by him except at the direction of the employer or client for whom the information was obtained. (Ord. 1492 § 22, 1973).

6.24.180 Advertisements - Solicitation of business.

A. Every advertisement by a licensee advertising or soliciting business shall contain the company name and address as they appear in the records of the department of permitting and environmental review.

B. Licensees, in their promotional literature and oral sales presentations to members of the public, shall not claim any relationship or affiliation with any official or semiofficial law enforcement organization. Such literature or sales presentation shall be accompanied by an accurate and clear description of the services which the licensee does in fact offer or provide.

C. Solicitors performing oral sales presentations to members of the public shall not carry visible weapons. (Ord. 17420 § 12, 2012: Ord. 14199 § 115, 2001: Ord. 1492 § 23, 1973).

6.24.190 Surety bond required.

A. No license shall be issued under the provisions of this chapter unless the applicant files with the director a surety bond executed by a surety company authorized to do business in this state in the sum of ten thousand dollars conditioned to recover against the principal, its servants, officers, agents, and employees by reason of its wrongful or illegal acts in conducting such business licensed under the provisions of this Ordinance; provided, however, that applicants requesting a Class B license, who employ four or less registrants, shall be permitted to file a five thousand dollar surety bond. The director shall require a certified copy of said bond to be filed in his office.

B. The bond required by this chapter shall be made payable to King County, and anyone so injured by the principal, its servants, officers, agents, and employees, shall have the right and shall be permitted to sue directly upon this obligation in their own names, and this obligation shall be subject to successive suits for recovery until complete exhaustion of the face amount hereof. (Ord. 1492 § 24, 1973).

6.24.200 Insurance coverage required.

A. No license shall be issued under the provisions of this chapter unless the applicant files with the director a certificate of insurance naming King County as an additional insured.

B. Minimum coverage is fixed as follows:

Bodily injury - one hundred thousand to three hundred thousand dollars;

Property damage - one hundred thousand dollars. (Ord. 1492 § 25, 1973).

6.24.210 Bond and insurance - License suspension or denial for failure to file.

A. Every licensee shall at all times maintain on file with the director the surety bond and insurance required by this chapter in full force and effect and upon failure to do so, the license of such licensee shall be suspended and shall not be reinstated until this requirement is met.

B. The director shall deny the application for a license if the applicant fails to satisfy the surety bond or insurance requirements.

C. The director may refuse to reinstate a license notwithstanding the licensee's compliance with this section, if, during the suspension, the director:

1. Finds any reason which would justify refusal to issue or justifies a suspension or revocation of a license; or

2. Finds performance by an applicant of any practice, while under suspension for failure to keep his surety bond or insurance in force, for which a license under the provisions of this chapter is required. (Ord. 1492 § 26, 1973).

6.24.220 Branch offices. Each licensee shall file in writing with the director the address of each branch office, and within fourteen days after the establishment or closing of such office, or change of location of a branch office, shall notify the director in writing of such fact. (Ord. 1492 § 27, 1973).

6.24.230 Registration of employees.

A. Except as otherwise provided in this chapter, every employee of a licensee, including dispatchers, and solicitors, shall be registered with the director in the manner prescribed by the provisions of this chapter.

B. The application for registration under the provisions of this chapter shall be on a form prescribed by the director and shall include:

1. Full address, telephone number, date of birth, and place of birth;
2. A listing of any and all aliases used by the applicant;
3. The name and address of the licensee and the date the employment commenced;
4. A letter from the licensee requesting that the employee be registered under his license;
5. The title of the position occupied by the employee and a description of his duties;
6. Whether or not a firearm is to be used by the employee in connection with his duties as a registrant;
7. Three recent photographs of the employee, of a type described by the director, and a classifiable set of fingerprints;
8. Employment history for five years preceding the date of the application; and
9. Such other information, evidence, statements, or documents as may be required by the director. (Ord. 1492 § 28, 1973).

6.24.240 Licensees and registrants - Knowledge and ability to use firearms.

A. An applicant for a license or registration who uses a firearm in connection with employment regulated under the provisions of this chapter, shall be tested by the director and a representative of the King County department of public safety in order to determine that such applicant has sufficient knowledge and ability to use such firearm in a competent and safe manner.

B. The content of such test shall be determined by the director and a representative of the King County department of public safety and shall be in a form prescribed by them. (Ord. 1492 § 29, 1973).

6.24.250 Registration - Exempt employees. Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively in stenographic, typing, filing, clerical or other activities which do not constitute the work of providing private security as described in this chapter, shall not be required to register under the provisions of this chapter with the director. (Ord. 1492 § 30, 1973).

6.24.260 Registration - Denial, suspension or revocation. The director may refuse to register any employee, or may suspend, or revoke a previous registration, if the individual has committed any act which, if committed by a licensee, would be a ground for refusing to issue a license, or for the suspension or revocation of a license under the provisions of this chapter. (Ord. 1492 § 31, 1973).

6.24.270 Registration - Issuance. Upon completion of registration the director shall issue to the registered employee a registration card, which shall be carried on his person at all times. The exhibition of this card to the licensee shall be considered prima facie evidence that the person is registered by King County, under the licensee's license number. (Ord. 1492 § 32, 1973).

6.24.280 Termination of registrant with licensee. Each person registered under the provisions of this chapter whose employment has been terminated with the licensee shall immediately surrender his registration card to the licensee, and the licensee shall surrender same within seven days thereafter to the director for cancellation. A notation stating that the registered employee was terminated and for what cause may be enclosed with the registration card. The licensee shall notify the director in writing within a reasonable time of any change in the resident address of a registered employee. (Ord. 1492 § 33, 1973).

6.24.290 Registration - Fee. The registration fee for employees of a licensee is fixed as follows: Fifteen dollars per year. (Ord. 5799 § 4, 1981: Ord. 1492 § 34, 1973).

6.24.300 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.24.310 Violation - Penalty. Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed two hundred fifty dollars or by imprisonment in the King County jail for a period not to exceed ninety days. (Ord. 1492 § 36, 1973).

6.24.320 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.24.330 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.26 FIREWORKS*

Sections:

6.26.010 Scope.
6.26.020 Definitions.
6.26.030 Permits.
6.26.040 Authority to issue permits and enforce Chapter.
6.26.050 Legal fireworks.
6.26.060 Retail Sales and Discharge of Fireworks.
6.26.070 Operation of Retail Outlets.
6.26.080 Public Display of Fireworks.
6.26.090 Prohibited Acts.
6.26.100 Seizure of Fireworks.
6.26.110 Penalty for violations.
6.26.115 Violations a separate, continuing offense.

*Statutory provisions - See chapter 70.77 RCW.

6.26.010 Scope. This chapter shall apply to the manufacture, possession, storage, sale, transportation and use of fireworks.

Nothing in this chapter shall be construed to prohibit:

A. The use of fireworks:

1. By railroads or other transportation agencies for signal or illumination purposes.
2. For signal purposes in athletics or sports.
3. By military organizations.

B. The sale and use of hand held sparklers and toy caps generally, and blank cartridges for show or theater. (Ord. 6836 § 1, 1984).

6.26.020 Definitions.

A. "Common fireworks" means any firework designed primarily to produce visible or audible effects by combustion.

Effective immediately the term includes ground and hand-held sparkling devices, including items generically described in Title 212-17 Washington Administrative Code and commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers; smoke devices; helicopters; aerials; spinners; roman candles; mines; shells; and Class C explosives classified on January 1, 1984 as common fireworks by the United States department of transportation; provided, that the term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

B. "Fire marshal" is the King County fire marshal.

C. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

D. "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

E. "Permit" means the official permission granted by King County for the purpose of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.

F. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, fair or any other group or combination acting as a unit.

G. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks.

H. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user.

I. "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. Effective immediately the term includes:

1. Fireworks generically described in Title 212-17 Washington Administrative Code and commonly known as sky rockets, missile type rockets, firecrackers, salutes and chasers; and

2. Fireworks which are not classified as common fireworks.

J. "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells special fireworks to public display permittees. (Ord. 10850 § 1, 1993: Ord. 6836 § 2, 1984).

6.26.030 Permits.

A. Permits shall be obtained:

1. To store fireworks in any amount of any type.

Exception: Storage of common fireworks, up to thirty pounds gross weight, is allowed in private residences during the sales and use period established by state law.

2. To possess, manufacture, offer to sell, or sell fireworks at wholesale or retail for any use.

Exception: Possession of common fireworks lawfully purchased at retail.

3. To conduct a public display of fireworks.

4. To discharge special fireworks.

5. To use or discharge fireworks inside a structure.

6. For religious or specific purposes: religious organizations, private organizations or persons may purchase, use or discharge common fireworks and audible ground devices such as firecrackers, salutes and chasers:

Provided that:

There shall be no fee for such permit;

They are used on prescribed dates at prescribed times and locations;

7. To transport any fireworks.

Exception: Transportation by a public carrier to a licensee; or transportation by a state fireworks license holder or state licensed pyrotechnician; or transportation of common fireworks lawfully purchased at retail in a private passenger vehicle.

The fire marshal may waive or reduce the insurance requirements of this chapter when appropriate. Any waiver or reduction shall be in writing.

B. No person under eighteen years of age may apply for or receive a permit under this chapter.

C. An application for a permit shall be made in writing to the fire marshal who shall investigate the application pursuant to RCW 70.77.265 or RCW 70.77.280 in the case of proposed public displays of fireworks. Permits for retail sales and public display of fireworks shall be granted within 15 days of the application and the chief of the fire protection district in which the permitted activity is to take place shall be notified. After a permit is granted, transportation, storage, discharge, sale, possession, use and distribution of fireworks shall be lawful only for the purpose stated on the permit. No permit granted hereunder shall be transferable.

D. Except as otherwise specifically stated in this chapter, in order to receive any permit under this chapter the permit applicant must provide a certificate of insurance evidencing a comprehensive general liability insurance policy providing limits of one million dollars ($1,000,000), combined single limit, per occurrence and annual aggregate, and naming King County as an additional insured. Any such insurance policy must be approved by the King County fire marshal.

E. A permit shall not be denied unless the application fails to meet the conditions required under this chapter.

F. In the event of drought or other fire hazard conditions that pose a threat to the public health, safety and welfare, the King County executive may, by executive order, declare an emergency and prohibit the sale or use of fireworks for that immediate year or until such conditions no longer exist. (Ord. 11387 § 2, 1994: Ord. 10850 § 2, 1993: Ord. 6836 § 3, 1984).

6.26.040 Authority to issue permits and enforce Chapter.

A. The county council hereby delegates the power to grant all permits required under this chapter to the King County fire marshal. As a condition of any permit, the fire marshal may specify additional safeguards as necessary to provide for the public safety. The fire marshal shall investigate all permit applications to determine potential hazard to property or individuals and shall file a written report if he denies a permit. These reports will be kept in the office of the fire marshal and shall be available for review by the King County board of appeals.

B. The King County fire marshal, or his duly authorized representative, is designated the enforcing officer of this chapter. In addition to all the grounds for revocation of a permit set forth in the general provisions of this chapter, any failure or refusal on the part of any person holding a permit issued hereunder, or any person employed by the permit holder, to obey any rule or regulation or request of the King County fire marshal, or his duly authorized representative, concerning the manufacture, storage, use, sale or display of fireworks, is a violation of this chapter and is grounds for the revocation of the fireworks permit.

C. The King County fire marshal shall have the authority to request the assistance of the King County sheriff in enforcing the provisions of this chapter.

D. Unless otherwise specified in this chapter, the King County council specifically designates the King County board of appeals to hear on its behalf, all appeals from decisions of the fire marshal within seven days of any decision so appealed. The decision of the King County board of appeals will be final unless appealed to a court of competent jurisdiction within fourteen days after a final order is issued. (Ord. 6836 § 4, 1984).

6.26.050 Legal fireworks.

A. Fireworks which are defined as common fireworks in this chapter are legal for sale, possession and use within King County as set forth in this chapter.

B. Fireworks which are not common fireworks are expressly prohibited for sale, possession, discharge, storage, or use within King County unless the fire marshal has issued a permit for such purpose. (Ord. 6836 § 5, 1984).

6.26.060 Retail Sales and Discharge of Fireworks.

A. Only common fireworks as defined in this chapter are legal for sale to any person a minimum of 16 years of age or to youths in the presence of a parent or guardian.

1. Proof of age and identification shall be one of the following: valid driver's license, or an identification card of a state, federal or foreign government. Forms of identification must have a picture.

B. The sale, possession, use or discharge of any fireworks prior to 12:00 noon on June 28th or after 12:00 midnight on July 4th each year is prohibited except where authorized by the fire marshal or exempted under this chapter.

No common fireworks may be sold except between the following hours and dates:

June 28	12:00 noon to 11:00 p.m.
June 29 - July 4	9:00 a.m. to 11:00 p.m.

No common fireworks may be discharged except between the following hours and dates:

July 4	9:00 a.m. to 12:00 midnight

No sales on July 4, 1992 shall occur after 11 p.m.

C. Only fireworks defined as common fireworks in this chapter may be sold at retail stands.

D. A permit for the retail sale of fireworks issued by the fire marshal must be prominently displayed at the sales location.

E. Retail operators applying for a permit from the fire marshal under this chapter shall submit a copy of their State Retailers License authorizing the holder to engage in the fireworks business. Each permit application must be accompanied by a certificate of insurance as described in this chapter.

F. A cash deposit in the amount of one hundred and fifty dollars ($150.00) must be posted with the fire marshal at least 30 days in advance of the initial sales date to provide for costs of site cleanup. The deposit shall be forfeited to King County if the operator fails to perform such cleanup by July 10th of the permit year. If the operator properly performs the cleanup, the deposit shall be returned to the operator.

G. The annual permit fee for the retail sale of common fireworks shall be the maximum authorized by the laws of the State of Washington, payable in advance to the office of the King County fire marshal.

H. Only one permit per year for the retail sale of fireworks shall be issued to any person and that permit shall entitle the permittee to maintain one retail outlet only. (Ord. 11387 § 3, 1994: Ord. 10850 § 3, 1993: Ord. 10431 § 2, 1992: Ord. 6836 § 6, 1984).

6.26.070 Operation of Retail Outlets.

A. The permittee's location or place of business, if a temporary fireworks stand, shall be only in those areas or zones within King County which have been approved by the King County fire marshal, or his duly authorized representative.

B. In those cases where the sale of fireworks is from a temporary fireworks stand, the stands of all permittees shall conform to the following minimum standards and conditions:

1. Temporary fireworks stands need not comply with all of the provisions of the King County building code; provided, however, that all such temporary fireworks stands shall be erected under the supervision of the King County fire marshal, or his duly authorized representative, who shall require all temporary fireworks stands to be constructed in a safe manner.

2. In the event any temporary fireworks stand is wired for electricity, the wiring shall conform to the electrical code of the State of Washington.

3. No heating unit or device with a surface temperature capable of igniting fireworks, or having an open flame will be allowed within a fireworks stand.

4. No temporary fireworks stand shall be located within twenty-five feet of any public or private street, alley, lane, or any other vehicular driving surface, fifty feet of any building or structure, or within one hundred feet of any gasoline dispensing pump or any tank where flammable liquids or flammable gases are stored.

5. No vehicle parking shall be permitted within twenty-five feet of a fireworks stand, including curbside parking, and such area shall be roped or barricaded to prevent such parking.

6. No smoking shall be permitted in a temporary fireworks stand or any nearer than twenty-five feet from the stand. "NO SMOKING" signs, having lettering at least two inches in height, shall be posted in a conspicuous location on all four sides of the temporary fireworks stand.

7. No discharge of fireworks shall be permitted within three hundred feet of any fireworks stand. Signs to this effect shall be posted conspicuously at the stand.

8. The area around such fireworks stands shall be completely free of hazardous accumulations, including dry grass, brush, or debris of any nature, for a distance of not less than twenty-five feet on all sides.

9. Each temporary fireworks stand must have at least two exits, located remotely from each other, which shall be unobstructed at all times.

10. Each temporary fireworks stand shall have in a readily accessible location not less than two 2A-rated fire extinguishers (two and one-half gallon water). Such extinguishers shall be UL approved.

11. Each temporary fireworks stand shall be under the direct supervision of a competent adult person, eighteen years of age or older. No person under the age of sixteen shall be allowed in the stand during business hours.

12. Fireworks may be left in temporary fireworks stands at night providing the stand is locked and a guard is posted. Such guard shall not stay within the fireworks stand.

13. Fireworks removed from temporary fireworks stands at night shall be stored in an approved storage location. Said storage location shall be approved in advance by the King County fire marshal or the fire chief of the local fire district having jurisdiction.

14. All unsold stock and accompanying litter shall be removed from said temporary fireworks stand by twelve noon on July 10th of the permit year.

15. Customers shall not be permitted inside the stand.

16. A stand must be located either at least 300 feet from another fireworks stand or separated from another fireworks stand by a major arterial thoroughfare at least 100 feet in width.

17. The sale of fireworks to persons under the age of sixteen years without the presence of a parent or guardian is prohibited. A sign to this effect shall be posted conspicuously on the stand. Sellers shall require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a state, federal or foreign government. No other forms of identification shall be accepted.

18. Each stand shall prominently post a list of fireworks that may be sold to the public and stating the lawful hours for discharge. The fire marshal shall provide a copy of such notice with each retail permit issued under this chapter. (Ord. 11387 § 4, 1994: Ord. 10850 § 4, 1993: Ord. 7951, 1987: Ord. 6836 § 7, 1984).

6.26.080 Public Display of Fireworks.

A. Application for permit. Any person desiring to give public displays of fireworks, shall make an application for a permit to operate the public display, in writing, to the King County fire marshal. Such application shall set forth:

1. The name of the organization sponsoring the display, together with the names of persons actually in charge of the firing of the display;

2. The date and time of day at which the display is to be held;

3. The exact location planned for the display;

4. The number and kind of fireworks to be discharged;

5. The manner and place of storage of such fireworks prior to the display;

6. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication within two hundred feet of the point of discharge, the lines or other overhead obstructions.

B. Fee for public display permit. The fee for the permit shall be the maximum authorized by the laws of the State of Washington. The permit required by this section shall be in addition to the license required by the state fire marshal.

C. Investigation of site; certificate of compliance by the fire marshal - Notice of approval by the King County department of public safety. Upon receipt of such application, at least twenty days in advance of the date set for the display, the fire marshal shall make an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. If the fire marshal is satisfied that the display is lawful and there has or will be full compliance with the law, then the fire marshal shall issue a written recommendation for or against the permit which shall be kept on file in the fire marshal's office and available for review by the King County board of appeals. If the fire marshal finds that the permit applicant has complied with the law, the fire marshal may issue a certificate of compliance stating the display is in conformance with all parts of the law and with these regulations. For any scheduled public display, applicants must submit, such information as deemed appropriate by the King County department of public safety to insure that adequate traffic control and crowd protection policing has either been arranged through private security agencies or, has been contracted for with the King County department of public safety. A written notice that the applicant has complied with the requirement shall be issued by the director of the King County department of public safety before a public display permit is issued, provided, that if the applicant should contract for traffic control and crowd protection policing with King County, in no event should the sum agreed upon in payment for such policing be less than the actual expense incurred by the county in providing that service. Such consideration shall be calculated for personnel resources in the hourly rate for overtime under the current collective bargaining agreement, plus that percentage then being paid for fringe benefits, and all sums paid under such contract shall be paid in accordance with procedures specified by the King County office of finance.

D. Every public display of fireworks shall be handled by at least one state licensed operator and one assistant at least 18 years of age, and shall be so located, discharged, or fired, that, in the opinion of the fire marshal, after proper investigation, it will not constitute a hazard to property or endanger any person.

E. All fireworks must be fired under the direction of a pyrotechnician licensed by the State of Washington.

F. A bond or certificate of insurance must be furnished to the fire marshal before a permit is issued. The bond shall be in the amount of one million dollars ($1,000,000) and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by such public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability insurance policy providing limits of one million dollars ($1,000,000) combined single limit, per occurrence and annual aggregate, and naming King County as an additional insured. Any such bond or insurance policy must be approved by the King County fire marshal.

G. A cash deposit in the amount of one hundred and fifty dollars ($150.00) must be posted with the fire marshal at least 30 days in advance of the public display date to provide for costs of site cleanup. The deposit shall be forfeited to King County if the operator fails to perform such cleanup within 6 days of the public display. If the operator properly performs the cleanup, the deposit shall be returned to the operator.

H. Construction of Shells - The construction of shells for public display shall be in accordance with the National Fire Protection Association (NFPA) Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

I. Storage.

1. The storage of fireworks for public display shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

2. There shall be at least two 2A-rated fire extinguishers (two and one half gallon water), UL approved kept as widely separated as possible within the actual area where the discharging will occur.

J. Preparation of Site and Crowd Control.

1. The site preparation and crowd control for public displays shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

2. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.

3. The site shall be located so that the trajectory of shells shall not come within 50 feet of any overhead object including but not limited to above ground telephone, telegraph or electrical lines, trees or wooded areas.

K. Installation of Mortars.

1. The installation of mortars for public displays shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

L. Electrical Firing Unit - The design and use of electrical firing units for public display shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

M. Operation of the Display and Firing of Shells.

1. The operation of public displays and the firing of shells shall be in conformance with the National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments contained in this section.

2. Only permitted fireworks are authorized for use.

3. When the display is fired from a barge or vessel, a security area shall be established in conformance with National Fire Protection Association Standard #1123, Outdoor Display of Fireworks, 1990 Edition, together with amendments contained in this section. No boats shall be allowed within this security area. A boat shall be on standby to remove personnel from the barge or water in an emergency.

4. No smoking or open flames shall be allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

5. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the county in a safe manner.

6. The debris from discharged fireworks shall be properly disposed.

N. The denial by the fire marshal of a permit for the public display of fireworks may be appealed to the King County board of appeals as provided for in K.C.C. 6.26.040. (Ord. 11387 § 5, 1994: Ord. 10850 § 5, 1993: Ord. 6836 § 8, 1984).

6.26.090 Prohibited Acts. In addition to any other acts prohibited by this chapter, the following acts are strictly prohibited:

A. The discharge of any fireworks in King County parks is prohibited unless approved by the manager of the King County division of parks and recreation and the fire marshal.

B. The discharge of fireworks inside or upon a structure is prohibited, unless a permit has been obtained from the fire marshal.

C. The discharge of fireworks in a manner which constitutes a hazard to persons or property is prohibited.

D .The discharging or throwing of ignited fireworks from vehicles or buildings is prohibited.

E. The discharging or throwing of ignited fireworks from watercraft or vessels is prohibited, unless a permit has been obtained from the fire marshal.

F. Fireworks shall not be transported in or upon vehicles used for mass transportation such as buses or trains. (Ord. 6836 § 9, 1984).

6.26.100 Seizure of Fireworks. The fire marshal shall have the authority to seize, take, remove or cause to be removed at the expense of the owner, all fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

A. Any person whose fireworks are seized under the provisions of this chapter, may within 10 days after such seizure, petition the fire marshal in writing to return the fireworks seized upon the grounds that such fireworks were illegally or erroneously seized. Such petitions shall be considered by the fire marshal within 15 days after filing and/or an oral hearing granted to the petitioner if requested. The decision of the fire marshal shall be provided in writing to the petitioner. The fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized, providing such return is in compliance with state law and this chapter.

B. The determination of the fire marshal is final, unless within 60 days an action is commenced in a court of competent jurisdiction for the recovery of fireworks seized by the fire marshal.

C. If the fireworks are not returned to the petitioner or destroyed, the fire marshal shall turn all confiscated fireworks over to the state fire marshal. (Ord. 6836 § 10, 1984).

6.26.110 Penalty for violations.

A. Criminal Penalty. Any violation of this chapter constitutes a misdemeanor and all violations are punishable as prescribed by law.

B. Civil Penalty. As an alternative to any criminal penalty provided herein or by law, any person who violates any provision of this chapter shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the fire marshal. The fire marshal, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced pursuant to K.C.C. Title 23. (Ord. 6836 § 11, 1984).

6.26.115 Violation a separate, continuing offense. A person commits a separate offense for each day during which he commits, continues, or permits a violation of any provision of this chapter. (Ord. 10850 § 6, 1993).

6.27 RIGHT-OF-WAY FRANCHISES FOR UTILITIES

Sections:

6.27.020 Franchises required.
6.27.030 Application - Generally.
6.27.050 Application - Review - Hearing.
6.27.054 Franchise application and advertising fees.
6.27.060 Criteria for approval.
6.27.065 Franchises amended - violation - revocation.

6.27.020 Franchises required. Persons or private or municipal corporations are required, in accordance with RCW 36.55.010, to obtain a right-of-way franchise approved by the King County council in order to use the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable TV and petroleum products and any other such public and private utilities. This requirement may be waived for the purpose of issuing emergency right-of-way construction permits as provided in K.C.C. 14.44.055. (Ord. 11790 § 2, 1995: Ord. 1710 § 2, 1973).

6.27.030 Application - Generally. Applications for right-of-way franchises shall be submitted, in a form approved by the property and purchasing division*, to the clerk of the King County council. (Ord. 1710 § 3, 1973).

6.27.050 Application - Review - Hearing.

A. Each application for a right-of-way franchise shall be reviewed by the following agencies prior to submission to the King County council for hearing and decision:

1. King County department of executive services; and
2. King County department of transportation.

B. In addition, each application for a right-of-way franchise by sewer and water districts and water distributors shall be submitted to the utilities technical review committee. Approval by that committee is required prior to any submission of the application to the council for approval. Approval shall be forthcoming if all criteria outlined in K.C.C. 6.27.060 are met.

C. In accordance with RCW 36.55.040, the council shall set a time and a place for a public hearing on each franchise application which has been reviewed in accordance with subsections A and B of this section. The county shall post notice of such hearing in three public places fifteen days before the hearing and publish notice twice in some daily newspaper in the county not less than five days before the hearing. (Ord. 14199 § 116, 2001: Ord. 1710 § 5, 1973).

***Reviser's note: Ord. 10553, 1992, renamed and transferred the powers, duties and functions to the property services division. Also see Ord. 2012 and Ord. 6066.**

6.27.054 Franchise application and advertising fees.

A. A party requesting a new franchise, amended franchise, renewal, extension of an existing franchise or transfer shall pay a franchise application fee as set forth in K.C.C. 4A.675.020. The fee is for reimbursement to the real estate services section of the facilities management division for the administrative costs and expenses incurred in the processing of the franchise application. The franchise application fee is payable at the time the application is filed with the clerk of the council. In addition, each applicant shall pay an advertising fee as set forth in K.C.C. 4A.675.020.B. Franchise application and advertising fees are not refundable, even if the application is disapproved.

B. The real estate services section may require applicants to reimburse the real estate services section for the actual costs incurred by the real estate services section as a result of issuance, renewal or amendment of a franchise, to the extent the costs exceed the costs of processing the application recovered by the application fee. The payment of actual cost balances shall be made at the time of the franchise issuance.

C. All franchise application payments received shall be credited to the county current expense fund.

D. This section shall not apply to franchise applications, renewal, amendments or transfers made under the county's cable television regulations, K.C.C. chapter 6.27A. (Ord. 17515 § 5, 2013: Ord. 16295 § 4, 2008: 14264 § 2, 2001: Ord. 13327 § 6, 1998: Ord. 10171 § 1, 1991).

6.27.060 Criteria for approval.

A. All franchises granted for county rights-of-way shall be consistent with the following criteria:

1. A previously approved comprehensive plan for the applicant; if required to have such a plan by K.C.C. 13.24.010;

2. The county comprehensive plan;

3. The standards of good practice regarding accommodation of utilities on county road right-of-way as stated in the King County Road Standards, pursuant to Washington Administrative Code, Chapter 136-40.

B. In addition, all franchises granted for water and sewer utilities shall be consistent with the following criteria:

1. Health and sanitation regulations of the Seattle-King County health department and the state;

2. County standards for water mains and fire hydrants,

3. The grantee of the franchise shall, at no expense to the county, repair all existing facilities that it owns within county road rights-of-way, including all appurtenant facilities and service lines connecting its system to users, if such repair is required by the county for any reasonable purpose;

4. The grantee of the franchise shall, at no expense to the county, adjust, remove or relocate existing facilities with county road rights-of-way, including all appurtenant facilities and service lines connecting its system to users, if the county determines such adjustment, removal or relocation is reasonably necessary to allow for an improvement or alteration planned by the county in such road right-of-way. The county shall give the grantee written notice of such requirement as soon as practicable, at the beginning of the pre-design stage for projects that are part of the county's capital improvement program, including such available information as is reasonably necessary for the grantee to plan for such adjustment, removal or relocation;

5. For projects that are a part of the county's capital improvement program, in addition to any other notice given to the grantee of the franchise, the county shall provide a vertical and horizontal profile of the roadway and drainage facilities within it, both existing and as proposed by the county, and the proposed construction schedule; notwithstanding any permit conditions that may later be applied to the county project, this initial design information shall be given at least 180 days before construction is scheduled to begin, except in cases of urgent construction or emergencies. The grantee shall respond to this notice, and to any later notices of revised designs based on permit conditions, within no more than 30 days by providing to the county the best available information as to the location of all of the grantee's facilities, including all appurtenant facilities and service lines connecting its system to users and all facilities that it has abandoned, within the area proposed for the public works project. The county shall offer the grantee the opportunity to participate in the preparation of bid documents for the selection of a contractor to perform the public works project as well as all required adjustments, removals or relocations of the grantee's facilities. Such bid documents shall provide for an appropriate cost allocation between the parties. The county shall have sole authority to choose the contractor to perform such work. The grantee and the county may negotiate an agreement for the grantee to pay the county for its allocation of costs, but neither party shall be bound to enter into such an agreement. Under such an agreement, in addition to the grantee's allocation of contractor costs, the grantee shall reimburse the county for costs, such as for inspections or soils testing, related to the grantee's work and reasonably incurred by the county in the administration of such joint construction contracts. Such costs shall be calculated as the direct salary cost of the time of county professional and

technical personnel spent productively engaged in such work, plus overhead costs at the standard rate charged by the county on other similar projects, including joint projects with other county agencies.

6. The grantee of the franchise shall, at no expense to the county, assume the following obligations with respect to facilities connected to its system that are within county road rights-of-way and which it does not own, including appurtenant facilities and service lines connecting its system to users:

a. The grantee shall apply for, upon request and on behalf of the owner of the facilities, a county right-of-way construction permit for any repairs required for such facilities; provided such owner agrees to reimburse the grantee for all costs incurred by the grantee and any other reasonable conditions the grantee requires as a precondition to applying for the permit. All work to be performed in the county right-of-way shall comply with all conditions of the county permit and all applicable county requirements. The grantee may at its option perform any part of the repair with its own forces or require the owner to employ a contractor for that purpose, provided such contractor is approved by the county;

b. In the event that the county determines emergency repair of such facilities is necessary to halt or prevent significant damage to county road rights-of-way or significant threats to the health, safety or welfare of parties other than the owner or the occupants of the building served by such facilities, the grantee shall take prompt remedial action to correct the emergency to the county's approval, which the county shall not unreasonably withhold;

c. When the county or its contractor provides notice to the grantee, pursuant to chapter 19.122 RCW, of its intent to excavate with county road rights-of-way, the grantee shall provide to the county or its contractor the best information available from the grantee's records or, where reasonable, from the use of locating equipment as to the location of such facilities, including surface markings where these would reasonably be of use in the excavation. If the grantee fails to make good faith efforts to provide the above information within the deadlines provided by chapter 19.122 RCW, the grantee shall hold the county harmless for all reasonable costs that result from damage to such facilities if such damage occurs as a result of the failure to provide such information. Nothing in this subsection is intended or shall be construed to create any rights in any third party or to form the basis for any obligation or liability on the part of the county or the grantee toward any third party, nor is anything in this subsection intended or to be construed to alter the rights and responsibilities of the parties under chapter 19.122 RCW, as amended. (Ord. 13625 § 1, 1999: Ord. 11278 § 3, 1994: Ord. 1710 § 6, 1973).

6.27.065 Franchises amended - violation - revocation. The county executive is hereby directed to notify all grantees of water and sewer franchises, consistent with the requirement for notice in their franchise agreements, that their agreements have been amended to include the language in Section 6.27.060 B.3, 4, 5 and 6, which shall take precedence over any existing language in their agreements. If the grantee, its successors or assigns shall violate or fail to comply with these amendments after they become effective, King County may notify the grantee of the county's intent to revoke the franchise. The county shall schedule a public hearing within 45 days of such notification. The decision to revoke shall become effective 90 days following the public hearing if the county finds the revocation to be in the public interest. (Ord. 11278 § 4, 1994).

6.27A CABLE COMMUNICATIONS

Sections:

6.27A.010 Definitions.
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6.27A.030 Franchises and franchise agreements.
6.27A.035 Specific acts prohibited.
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6.27A.070 Notices.
6.27A.080 Insurance requirements.
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6.27A.250 Municipal cable system ownership authorized.
6.27A.260 Administration.
6.27A.270 Applicability to current franchise agreements.

CROSS REFERENCE:

Public, educational and government access (CTV) television channels: K.C.C. chapter 2.59.

6.27A.010 Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Cable Act. Words not defined in this chapter or the Cable Act shall be given their common and ordinary meaning.

A. "Abandonment" means failure by the franchisee to operate the entire cable system for ten consecutive days without just cause. Just cause shall include circumstances beyond the franchisee's control, such as natural disasters and material breakdown of the system that is not the result of the franchisee's fault or negligence.

B. "Access channel" means any channel or bandwidth on a cable system set aside for public, educational and/or governmental use.

C. "Basic cable service" means any service tiers which include the retransmission of local television broadcast signals.

D. "Bulk rate" means a rate charged to an owner of a structure or parcel of land containing multiple dwelling units in return for the provision of cable service to those units.

E. "Cable Act" means the Cable Communications Policy Act of 1984, codified at 47 U.S.C. Secs. 521 et seq., and as hereafter may be amended.

F. "Cable manager" means the director of the department of information technology or the director's designee.

G. "Cable office" means the cable section of the department of information technology.

H. "Cable rules" means rules promulgated by the director of the department of information technology or the director's designee for the purpose of administering the terms and requirements of this chapter.

I. "Cable service" means the transmission of video or other service over a cable system to subscribers together with any subscriber interaction provided in connection with such service.

J. "Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service that includes video programming and that is provided to subscribers within King County. A cable system does not include:

1.a facility that serves only to retransmit the television signals of one or more television broadcast stations;

2. a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility uses any public right-of-way;

3. a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, codified at 47 U.S.C. Sec 201 et seq., except that such facility will be considered a cable system to the extent it is used in the transmission of video programming directly to subscribers; or

4. any facilities of any electric utility used solely for operating its electric utility systems.

K. "Channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel, as television channel is defined by the FCC by regulation.

L. "Commercial rate" means a rate charged to a business in return for the provision of cable service to that business.

M. "Disabled subscriber" means a subscriber with a physical or mental impairment that substantially limits one or more of the major life activities of such individual.

N. "Equitable price" means the price that a willing buyer would pay to a willing seller for a going concern, less any value attributed to the franchise itself, less the amount of harm to the community, and less any expenses incurred by the county as result of the actions giving rise to the revocation.

O. "Fair market price" means the price that a willing buyer would pay to a willing seller for a going concern, less any value attributed to the franchise itself.

P. "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Q. "Franchise" means the right granted by the county to a franchisee to construct, reconstruct, repair, maintain and operate a cable system over, on, along, or under any public rights-of-way within all or specified areas within unincorporated areas of the county. The term does not include any license or permit required by other laws, ordinances or rules of the county for the privilege of transacting and carrying on a business within the county, or for construction, reconstruction, repair or maintenance on, over or under or use of any public rights-of-way.

R. "Franchise agreement" means a document entered into between the county and a franchisee that sets forth the terms and conditions under which the franchise will be exercised.

S. "Franchisee" means any person granted a franchise pursuant to this chapter who has entered into a franchise agreement with King County.

T. "Gross revenues" means the annual gross revenue of the franchisee from all sources in the operation of the cable communications system, excluding any bad debt, sales tax, excise tax, or other taxes collected for direct pass-through to local, state or federal government.

U. "Installation" means the connection and/or activation of the system from feeder cable to subscriber terminals.

V. "Institutional network" means a voice, data and/or video communications system, whether physically integrated with a cable system or not, that is constructed, operated or maintained by a franchisee, whose transmissions are principally available to persons other than cable television subscribers.

W. "Interconnect means" the sharing of video, audio and/or data transmissions between two or more cable systems, institutional networks and/or users.

X. "Minority persons" means African-Americans, Hispanics, Mexican-Americans, Asian-Americans, Pacific Islanders, American Indians and Alaska Natives.

Y. "Person" means any individual, corporation, partnership, limited partnership, association, joint venture, organization, or any other legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative thereof.

Z. "Public rights-of-way" means the surface of and the space along, above and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement and road right-of-way now or hereafter held or administered by the county.

AA. " Senior citizen subscriber" means a subscriber sixty-five years of age or over.

BB. "Subscriber" means any person who legally receives cable service delivered over the cable system.

CC. "Transfer" means any transaction in which:

1. an ownership or other interest in a franchisee is transferred from one person to another person so that control of the franchisee is transferred, or

2. the rights held by the franchisee under a franchise agreement are transferred or assigned, in whole or in part, to another person.

Provided, the transfer of ownership or other interest in a franchisee between members of the same immediate family shall not be a transfer for the purpose of this chapter so long as the county is notified of the fact of the transfer of ownership or other interest no later than fourteen (14) days prior to the transfer of ownership or other interest, except where the transfer of ownership or other interest occurs due to death or disability, in which case the county shall be notified within fourteen (14) days after the transfer of ownership or other interest. The franchisee shall insure that its insurance coverage and all other commitments continue in force without interruption and provide evidence of the same to the county.

For the purposes of this provision, a transfer shall be deemed to be between members of the same family if the transferee is the spouse, parent, sibling, adopted or natural child or other lineal descendant of the transferor, or if the transferee is a trust established for the benefit of such a person or for the benefit of the transferor. If the ownership or other interest in the franchisee is held by the trustee of a trust, then a transfer shall be deemed to be between members of the same family if the transferee is the spouse, parent, sibling, adopted or natural child or other lineal descendant of any other beneficiary of the trust, or any trust created for the benefit of such a person.

Provided further that, the transfer of ownership or other interest in a franchisee in connection with an internal reorganization or internal merger to a direct or indirect parent, subsidiary or affiliated entity under common control with the franchisee shall not be a transfer for the purpose of this chapter so long as:

1. the county is notified of the proposed transfer no later than thirty (30) days prior to the transfer of ownership or other interest;

2. the transferee shall insure that insurance coverage and all other commitments under the franchise agreement continue in force and without interruption and provide evidence to the same of the county no later than thirty (30) days prior to the proposed transfer; and

3. there is no increased risk of liability to the county or nonperformance of the terms of the franchise agreement.

DD. "Two-way capability" means the capacity for two-way transmission, over the cable system.

EE. "Video programming vendor" means a person engaged in the production, creation, or wholesale distribution of video programming for sale. (Ord. 17142 § 18, 2011: Ord. 14199 § 117, 2001: Ord. 10731 § 1, 1993: Ord. 10159 § 3, 1991).

6.27A.020 Grant of authority. Franchise and permits required.

A. A franchise authorizes the use of the county's public rights-of-way and compatible utility easements, as defined in the Cable Act, to construct, reconstruct, repair and maintain a cable system and/or institutional network.

B. No person shall construct or operate a cable system in the county without a franchise granted by the county and a franchise agreement executed with the county.

C. A franchisee must obtain any permits and pay any permit fees required by the county for use of the public rights-of-way. Such permits shall be obtained by and issued to a franchisee prior to any construction, reconstruction, repair or maintenance activity on any public rights-of-way.

D. A franchisee, in consideration of its use of the public rights-of-way, must pay to the county quarterly a franchise fee equal to five percent of the franchisee's gross revenues.

E. A franchisee is at all times subject to and must comply with all generally applicable federal, state and local laws, ordinances, codes, rules, regulations and orders. A franchisee shall at all times be subject to the exercise of the police power of the county. (10159 § 4, 1991)

6.27A.030 Franchises and franchise agreements.

A. The county may grant one or more franchises to serve all or a specified portion of unincorporated areas of the county. Any new franchise, renewal, transfer or modification shall be granted by ordinance and shall be for a term not to exceed fifteen years from the date the franchise is fully executed.

B. Any franchise granted shall be nonexclusive, and does not expressly or implicitly preclude the issuance of other franchises, or affect the county's right to use or authorize the use of its public rights-of-way to other persons as it determines appropriate.

C. In evaluating an application for a new franchise or a transfer of a franchise, the county may consider, among other things, the following factors: the applicant's technical, financial, and legal qualifications to construct and operate the proposed system; the nature of the proposed facilities, equipment, and services; the applicant's record and experience in constructing and operating cable systems and providing cable service in other communities, if any; the capability of the county's public rights-of-way to accommodate the proposed system; the potential disruption to existing users of the county's public rights-of-way and the resulting inconvenience to the public caused by the construction or operation of the proposed system; and whether the proposal will meet reasonably anticipated community cable-related needs and interests and serve the public interest.

D. The terms, conditions and provisions of a fully executed franchise agreement, together with all applicable laws, ordinances, codes, rules, regulations and orders, enacted now or in the future, shall define the rights and obligations of the franchisee and the county relating to the franchise.

E. The county may modify franchises consistent with its police powers as follows:

1. at the time of renewal, transfer, or other disposition;

2. when the franchisee's service area is altered, provided the franchisee is given thirty (30) days written notice of the proposed modification and is provided an opportunity to present arguments against the modification, or alternatives in lieu of if;

3. upon giving thirty days written notice to the franchisee of the proposed modification, provided the franchisee is given an opportunity to present arguments against the modification or alternative in lieu of it;

4. upon request of the franchisee under the circumstances provided in the Cable Act; or

5. when the franchise and/or franchise agreement is inconsistent with governing laws or statutes.

F. Except as expressly provided to the contrary, all costs incurred by an applicant or franchisee in complying with this chapter, the cable rules, a franchise, applicable law, or any action thereunder shall be the sole responsibility of the applicant or franchisee and shall not be charged to the county.

G. The notice requirements contained in RCW 36.55.040 shall apply to this section. (Ord. 10159 § 5, 1991)

6.27A.035 Specific acts prohibited. No cable operator or holder of a franchise to provide cable services or other multichannel video programming distributor providing or intending to provide services in King County shall:

A. Engage in unfair methods of competition or unfair or deceptive acts or practices.

B. Monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the production, control or sale of cable services, video programming or equipment.

C. Lease or make a sale or contract for the sale of goods or services used in the provision of multichannel video programming in King County when the purpose or effect of such lease, sale, or contract may be to:

1. substantially lessen competition, or
2. tend to create a monopoly; or
3. hinder significantly or prevent any multichannel video programming distributor from providing video programming to subscribers or consumers when the purpose or effect is to substantially lessen competition or to tend to create a monopoly.

D. Require a financial interest in a program service as a condition of carriage on one or more of its systems when the purpose or effect is to substantially lessen competition or to tend to create a monopoly.

E. Coerce a video programming vendor to provide, or retaliate against such a vendor for failing to provide, exclusive rights against other multichannel video programming distributors as a condition of carriage on a system when the purpose or effect is to substantially lessen competition or to tend to create a monopoly.

F. Engage in conduct the effect of which is to unreasonably restrain the ability of a video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation of vendors in the selection, terms, or conditions for carriage of video programming provided by such vendors when the purpose or effect is to substantially lessen competition or to tend to create a monopoly. (Ord. 10731 § 2, 1993).

6.27A.040 Interpretation of franchise terms. All franchise agreements shall include the following provision: The provisions of the cable ordinance and the cable rules shall apply to the franchise agreement as if fully set forth in the franchise agreement, and the express terms of this chapter and the cable rules will prevail over conflicting or inconsistent provisions in the franchise agreement unless the franchise agreement expresses an explicit intent to waive a requirement of this chapter and/or the cable rules. (Ord. 10159 § 6, 1991).

6.27A.050 Applications for franchise, renewal, modification or transfer.

A. All applications for the following must be filed in writing with the clerk of the county council:

1. grant of a new franchise;
2. renewal of a franchise under the franchise renewal procedures set forth in the Cable Act and this chapter;
3. modification of a franchise agreement; or
4. transfer of a franchise.

B. An applicant shall demonstrate in its application compliance with all requirements of this chapter, the cable rules, and applicable federal, state and local law.

C. An application for a new franchise or renewal of an existing franchise must contain, at a minimum, the following:

1. information regarding the characteristics and location of the proposed system;
2. the applicant's technical and financial ability to construct and operate the proposed system;
3. a proposal for the provision of public, educational and/or governmental ("PEG") access channels, and equipment and facilities relating to such channels sufficient to meet community needs and interest; and
4. a proposal to meet future cable-related community needs and interests.

D. If the county issues a request for franchising proposals or a request for refranchising proposals, an application must comply with the requirements of such request.

E. An application for approval of a transfer of a franchise must contain, at minimum, information regarding the applicant's technical and financial ability to construct and operate the system and a statement that the proposed transferee will comply with the transferor's franchise agreement, this chapter, the cable rules and applicable law.

F. An application for a new franchise must be accompanied by a $5,000 deposit to cover the costs incurred by the county to review and process the application. This deposit shall be made payable to the county and delivered to the clerk of the council. (Ord. 10159 § 7, 1991)

6.27A.060 Franchise renewal.

A. Franchises may be renewed using either the formal process specified in the Cable Act and in subsection B of this section or the informal process specified in subsection C of this section.

B. The following procedure shall be used for all formal renewals effected under the Cable Act:

1. During the six-month period which begins with the thirty-sixth month prior to the expiration of a franchise, the county may on its own initiative, and shall at the request of the franchisee, commence proceedings which afford the public in the franchise area appropriate notice and participation to identify the future cable-related community needs and interests and to review the franchisee's performance under the franchise.

2. Upon completion of the proceeding, the franchisee may, on its own initiative or at the request of the county, submit a proposal for renewal. All such proposals must meet the requirements of this chapter. If the county requests a renewal proposal, it shall establish a date when the renewal proposal shall be due, which shall not be less than thirty (30) days after the request is made.

3. Upon submittal of a completed proposal for renewal by the due date, the county shall notify the public of the proposal and, during the four (4) month period which begins on the date of submission of the cable operator's proposal pursuant to subsection B.2., the county shall issue a preliminary assessment that the franchise should not be renewed or the county shall grant the renewal. The county's failure to make a preliminary assessment or to grant the renewal within the four (4) month period shall be deemed to be a preliminary assessment that the franchise should not be renewed and shall entitle the franchisee to the procedure set out in subparagraph 4.

4. Whenever a preliminary assessment is made that a franchisee should not be renewed, the county may on its own initiative, and shall at the request of the franchisee, commence an administrative proceeding by the King County hearing examiner pursuant to K.C.C. 20.24.080 A.19, after providing notice to the public and the franchisee, to consider whether:

a. the franchisee has substantially complied with the material terms of the existing franchise and with applicable law;

b. the quality of the franchisee's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

c. the franchisee has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the franchisee's proposal; and

d. the franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

The franchisee and the cable office shall be afforded fair opportunity for full participation in the proceeding. At the completion of the proceeding, the county shall issue a written decision granting or denying the renewal based upon the record of such proceeding, and transmit a copy to the franchisee.

5. Any denial of a renewal shall be based on one or more adverse findings made with respect to the factors described in subparagraphs a. through d. of subsection B.4., pursuant to the record of proceeding under that subsection. The county may not base a denial of renewal on conditions listed in subparagraphs a. or b. of subsection B.4. unless the county has provided the franchisee with notice and the opportunityto cure, or in any case in which it is documented that the county has waived its right to object, or has effectively acquiesced.

6. Any franchisee whose renewal proposal has been denied by a final decision of the county made pursuant to subsection B. or has been adversely affected by a failure of the county to act in accordance with procedural requirements of subsection B. may appeal such final decision or failure pursuant to the provisions of the Cable Act.

C. Notwithstanding the provisions of subsection B., a franchisee may submit an informal renewal application pursuant to this subsection at any time. The following procedure shall be used for all informal renewal applications:

1. A franchisee may submit a renewal application meeting the requirements of this chapter. Submission of a renewal application in accordance with this subsection shall not invoke the formal application process contained in subsection B.

2. Upon submittal of a completed application, the county shall notify the public of the application and solicit public comments.

3. After receiving the public comments and completing any other review, the county shall either deny or grant the renewal. In determining whether to grant or deny the renewal, the county may consider whether:

a. the franchisee has the technical, legal, and financial ability to provide the services, facilities, and equipment as set forth in the franchisee's proposal;

b. the franchisee has substantially complied with the material terms of the existing franchise and with applicable law;

c. the quality of the franchisee's service, including signal quality, response to consumer complaints, billing practices, service mix, or service level, has been reasonable in light of community needs;

d. the franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interest; and

e. such other factors consistent with the intent of this chapter and the Cable Act.

4. The denial of a renewal pursuant to this subsection shall not affect action on a renewal application that is submitted in accordance with subsection B. (Ord. 11075 § 1, 1993: 10159 § 8, 1991).

6.27A.070 Notices. All notices from a franchisee to the county pursuant to this chapter and the cable rules shall be filed with the cable office. A franchisee shall maintain with the cable office, throughout the term of the franchise, an address for service of notices by mail. (Ord. 10159 § 9, 1991).

6.27A.080 Insurance requirements.

A. For any franchise agreement entered into after December 2, 1991, a franchisee must carry commercial general liability, automobile liability and stop gap or employers liability coverage, each in minimum limits of not less than one million dollars ($1,000,000.00), in an amount approved by the King County office of risk management. All policies must name King County as an additional named insured.

B. All policies shall be placed with insurers having a Bests' rating of no less than A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII rating. A franchisee shall send copies of certificates, endorsements or other adequate evidence of compliance with this section to the cable office prior to the county's execution of the franchise agreement. (Ord. 10159 § 10, 1991).

6.27A.090 Liability and indemnification.

A. All franchise agreements shall contain the following provision: a franchisee shall have no recourse whatsoever against the county or its officials, boards, commissions, agents, or employees for any loss, costs, expenses, or damages arising out of any provision or requirement of the franchise, franchise agreement, or this chapter because of the enforcement of the franchise, franchise agreement, or this chapter except if such loss, costs, expenses or damages are the result of the sole negligence or misconduct on the part of the county or its agents.

B. All franchise agreements shall contain the following provision: to the extent permitted by law, a franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the county and its officers, boards, commissions, agents and employees, against any and all claims, including but not limited to third-party claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, repair, maintenance or operation of its cable system, or in any way arising out of the franchisee's enjoyment or exercise of a franchise granted pursuant, or otherwise subject, to this chapter, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this chapter, the cable rules, or a franchise agreement. This provision includes, but is not limited to, expenses for reasonable legal fees and for disbursements and liabilities assumed by the county as follows:

1. To persons or property, in any way arising out of or through the acts or omissions of the franchisee, its officers, employees, or agents or to which the franchisee's negligence shall in any way contribute;

2. Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation; or the violation or infringement of any copyright, trademark, trade name, service mark or patent; or a failure by the franchisee to secure consents from the owners, or authorized distributors of programs to be delivered by the cable system; or of any other right of any person, excluding claims arising out of or relating to programming provided by the county;

3. Arising out of a franchisee's failure to comply with the provisions of any federal, state or local statute, ordinance, rule, or regulation applicable to the franchisee with respect to any aspect of its cable television business to which this chapter, the cable rules, and/or franchise agreement apply.

C. The county shall give the franchisee timely written notice of the making of any claim or the commencement of any action, suit or other proceeding covered by this chapter. In the event any such claim arises, the county or any other indemnified party shall tender the defense thereof to the franchisee and the franchisee shall have the right to defend, settle, or compromise any claims arising hereunder and the county shall cooperate fully therein. (Ord. 10159 § 11, 1991).

6.27A.100 Security fund or letter of credit. An applicant for a grant of a franchise or franchise renewal or transfer must provide the cable office, for deposit with the King County office of financial management, in an amount determined by the cable office, but not less than twenty-five thousand dollars

($25,000) either a cash security deposit or an irrevocable letter of credit from a financial institution in a form satisfactory to the manager and the King County office of financial management prior to the county's execution of the franchise agreement. The amount of the deposit shall be based on the scope of the applicant's existing and proposed cable operations in the county, the applicant's technical and financial qualifications, and the applicant's history of compliance with its franchise agreements in the county and elsewhere. A security deposit or letter of credit may also be required or the amount of the security deposit or letter of credit may be raised as a condition of a modification. The security deposit or letter of credit shall be used to ensure the faithful performance of the franchise agreement; compliance with this chapter, the cable rules, applicable federal, state, and local law, all orders and permits; and the payment of any claims, liens, fees, or taxes due the county that arise by reason of the construction, operation, repair or maintenance of the cable system. The county may withdraw funds from the security deposit or make demand for payment upon the letter of credit for the monetary amount of any remedy imposed pursuant to this chapter. (Ord. 10159 § 12, 1991).

6.27A.110 Liquidated damages. All franchise agreements entered into after December 2, 1991, may provide for liquidated damages to compensate the county for harm caused by violation of this chapter, the cable rules, a franchise agreement, or any applicable law in an amount which is a reasonable forecast of just compensation for the harm caused by the violation. (Ord. 10159 § 13, 1991).

6.27A.120 Nondiscrimination.

A. A franchisee and/or applicant for a franchise shall not deny cable service, or otherwise discriminate against any subscriber, access programmer, or resident on the basis of race, color, religion, national origin, physical or mental disability, age, political affiliation, marital status, sexual orientation, sex or income of the residents of the area in which the person resides. The franchisee shall comply at all times with all other applicable federal, state and local laws, rules, and regulations relating to nondiscrimination.

B. A franchisee shall not refuse to employ, nor discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of race, color, religion, national origin, physical disability, age, political affiliation, marital status, sexual orientation, sex or income.

C. A franchisee shall comply with all applicable federal, state and local equal employment opportunity requirements.

D. The franchisee shall establish, maintain, and execute an equal employment opportunity plan and a minority/women's business procurement program which shall be consistent with the intent of the county's affirmative action and minority/women's business procurement policies. Upon request, the franchisee shall file with the cable office a copy of their equal employment opportunity report submitted annually to the FCC and shall file with King County office of civil rights and compliance an annual compliance report detailing its progress with its minority/women's business procurement program during the previous year. The franchisee must also provide the cable office, upon request, copies of all other reports and information filed with federal, state, or local agencies concerning equal employment opportunity or employment discrimination laws. This subsection shall apply only to franchise agreements entered into after December 2, 1991.

PROVIDED THAT;

No provision of this section shall invalidate any other section of this chapter. (Ord. 10159 § 14, 1991).

6.27A.130 Privacy. A franchisee must protect the privacy of all subscribers pursuant to the Cable Act. A franchisee may not condition subscriber service on the subscriber's grant of permission to disclose information which, pursuant to federal law, cannot be disclosed. (Ord. 10159 § 15, 1991).

6.27A.140 Rates.

A. A franchisee must charge uniform prices throughout the geographic area in which cable service is provided over its cable system, except that different rates may be offered to commercial rate subscribers, and provided further that reduced rates may be offered to:

1. new subscribers,
2. subscribers adding a service that they have not previously received, or
3. disabled, senior citizen, low income or bulk rate subscribers.

To the extent provided by federal law, a franchisee may change its rates and charges only if it has given a minimum of thirty (30) calendar days prior written notice to subscribers and the cable office.

B. The county may regulate rates except to the extent it is prohibited from doing so by state or federal law. Any regulated rate shall be adopted by ordinance and shall be processed in accordance with the provisions of K.C.C. 20.24.070. The cable office shall promptly notify the hearing examiner of any proposed

rate changes. The director of the department of information technology is authorized to issue an order to toll the effective date of proposed rates in accordance with the provisions of the FCC rules and to take any other action necessary to implement rate regulation. The director of the department of information technology shall adopt rules governing the regulation of rates that:

1. are consistent with the FCC's regulations,
2. provide a reasonable opportunity for consideration of the views of interested parties, and
3. establish procedures analogous to those set forth by the FCC governing requests that proprietary information produced in the course of a rate proceeding be treated as confidential, to the extent permitted by law. (Ord. 17142 § 19, 2011: Ord. 14199 § 118, 2001: Ord. 11075 § 2, 1993: Ord. 10159 § 16, 1991).

6.27A.150 Customer service standards.

A. Under normal operating conditions a franchisee shall comply with the customer service standards established under this chapter, the cable rules and its franchise. Such standards shall include, but need not be limited, to the following:

1. The franchisee shall have a local or toll-free telephone number. The franchisee shall have a location and procedure approved by the cable office to ensure that subscribers can conveniently make payments, exchange or accept equipment, receive responses to inquiries and schedule appointments during normal business and evening hours and at least one-half a business day during the weekend.

2. Under normal operating conditions, telephone answer time by the franchisee shall not exceed thirty (30) seconds, average speed of answer, and busy signals shall not occur more than three percent of the time. This requirement shall be met at least ninety (90) percent of the time, measured over any consecutive ninety (90) day period. The franchisee shall use an answering service or be capable of receiving service complaints and system malfunction reports when the business office is closed.

3. Installation work shall be performed in a timely manner. The franchisee shall offer a choice of morning or afternoon appointments within a four (4) hour time period and may offer all day appointments for service, installation, or disconnection if it is necessary to enter the subscriber's residence. If the franchisee fails to keep two (2) or more consecutive scheduled appointments with a subscriber, and fails to give notice to the subscriber at least two (2) hours prior to the scheduled appointment time, the franchisee shall give a service credit to that subscriber.

4. A franchisee must have available twenty-four (24) hours a day, seven (7) days a week, personnel and equipment capable of locating and correcting major cable system outages. A major cable system outage is an outage which results in the loss of cable service to ten (10) or more subscribers on fifty (50) percent or more of the subscribers' channels or picture impairment visible to ten (10) or more subscribers on fifty (50) percent or more of the subscribers' channels. Major cable system outages must be corrected without delay. Corrective action for other cable system outages must be initiated by the franchisee not later than one (1) business day after the customer service call is received and must be completed as promptly as possible. Corrective action for all other service problems must be initiated by the franchisee not later than two (2) business days after the customer service call is received and must be completed as promptly as possible. A franchisee may intentionally interrupt service on the cable system only for good cause and for the shortest time possible. Upon request of a subscriber, the franchisee shall provide a rebate to subscribers, pro-rated, for any service problem cause by the franchisee that exceeds twenty-four (24) hours.

5. A franchisee shall provide each subscriber at the time cable service is installed, and upon request, with written subscriber information, which includes procedures for handling complaints and a schedule of service rates and charges as well as credits required by law.

6. All subscriber bills must clearly indicate charges, broken down to indicate the charge for each service, or group of services charged as a unit, equipment, and any other fees included on the bill.

7. A franchisee is prohibited from offering any service by a negative option.

8. A subscriber may voluntarily disconnect service at any time; however, voluntary disconnection does not excuse a subscriber from fulfilling its contract obligations. A franchisee may disconnect service to a subscriber for cause or if at least thirty (30) days have elapsed after the due date for payment of a bill and the franchisee has provided written notice that service will be disconnected if the bill is not paid in full by a specific date.

9. A franchisee may not refer, or cause to be entered, a negative report to any consumer credit reporting agency, association or business unless thirty (30) days have elapsed after sending notice to the customer at the last service address or billing address of record after disconnection has occurred.

B. The transmission of obscene programming is prohibited. The county expressly reserves the right to restrict or condition the provision of cable services that are otherwise constitutionally unprotected. (Ord. 10159 § 17, 1991).

6.27A.160 Technical standards. A franchisee shall comply with all applicable technical standards including, but not limited to, the National Electrical Safety Code, the National Electric Code, and standards established by the FCC, the National Television Systems Committee and the county. (Ord. 10159 § 18, 1991).

6.27A.170 Minimum facilities and services.

A. Consistent with the Cable Act every cable system constructed, reconstructed or upgraded after December 2, 1991:

1. shall have a two-way capability;
2. shall provide PEG access facilities, equipment, and/or channels; and
3. may be required to provide an institutional network.

B. The county may require, in the franchise agreement, a franchisee to interconnect its system with any or all of the other cable systems in areas of King County so as to enable each such system to carry and cablecast the public, educational and government access programming carried on each system and on institutional networks with channel capacity designated for educational and governmental use. Interconnection may be done by direct cable connection, microwave link, satellite or other appropriate method.

C. A franchisee must make cable service available for the standard installation charge to all persons within its franchise area who request cable service and agree to subscribe for a minimum period of one year if, using the most direct route, the distance the distribution line would be extended to provide service divided by the number of people requesting service is not more than three hundred (300) feet from the cable system, and the drop distance is not more than one hundred fifty (150) feet from the cable system. Cable service shall be provided to all persons who are not within these distances if the person agrees to pay the full cost to provide cable service beyond these distances.

D. The franchisee shall provide, at a minimum, the mix quality and level of services listed in the franchise agreement. Those services within the franchisee's control shall not be changed without thirty (30) days prior written notice to subscribers and the cable office in a manner approved by the cable office, which provides full and clear disclosure of the following:

1. the franchisee's proposed change;
2. the franchise agreement requires certain services; and
3. comments made by subscribers to King County will be considered in evaluating any proposed changes that requires county approval.

E. All franchisees shall provide for immediate access by King County in emergency situations and must have the ability to override programming with emergency programming provided by King County during these emergency situations. (Ord. 10159 § 19, 1991).

6.27A.180 Local origination. A franchisee may be required in the franchise agreement to produce up to two hours of local origination programming per day, seven days per week, for viewing between 4:00 p.m. and 10:00 p.m. It is the policy of the county to encourage local origination programming, including programming of interest and applicability to children, senior citizen, minority and disabled residents. This section shall not apply to franchises granted prior to December 2, 1991. (10159 § 20, 1991).

6.27A.190 Reports and records.

A. The county and its representatives shall have the authority, upon reasonable notice, to inspect a franchisee's books, records, facilities, and any other items and to require a franchisee to keep, develop and produce books, records, reports, summaries, tests, lists and other items regarding the franchisee's operations in unincorporated King County that the county deems necessary to monitor a franchisee's compliance, its franchise, this chapter, the cable rules, or applicable law. Such authority shall include, but not be limited to, the right to audit a franchisee's books and records and to inspect and test a franchisee's technical facilities.

B. A franchisee shall pay all of the county's costs associated with an audit, reaudit, inspection, reinspection, test or retest if it is determined that the franchisee has not materially complied with its franchise, this chapter, the cable rules, or applicable law. If the audit determines that the franchisee's franchise fee payment was less than the amount owed to the county, the franchisee shall pay to the county any deficiency plus interest on the deficiency equal to twelve percent per annum interest compounded daily from the date the franchise fee payment was due. (Ord. 10159 § 21, 1991).

6.27A.200 Performance evaluation. The cable office may conduct such periodic performance evaluations of a franchisee to ensure compliance with the franchise agreement and all applicable laws and

may conduct community needs assessments. A franchisee shall cooperate fully with these evaluations and assessments. If the cable office implements a survey of cable subscribers in connection with a performance evaluation, the franchisee may be required to distribute the cable office's survey to its subscribers at the county's expense. (Ord. 10159 § 22, 1991).

6.27A.210 Revocation, expiration or abandonment.

A. The county executive may revoke the franchise and franchise agreement pursuant to the notice and order procedure contained in this chapter if:

1. a franchisee has committed a material breach of the franchise agreement; or

2. there has occurred an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding, unless within that one hundred twenty day period such assignment, receivership or trusteeship has been vacated; or

3. any part of the franchise or cable system is foreclosed or sold at a judicial sale.

B. Upon the expiration or revocation of a franchise and franchise agreement or abandonment of the cable system, the county may:

1. require the former franchisee to remove all portions of the cable system from all streets and public property within the franchise area that are above ground or are below ground and constitute a hazard to the health, welfare or safety of county residents and restore county property to the county's reasonable satisfaction. If the former franchisee fails to comply within the time specified, the county may remove any facilities and equipment, restore county property to the county's satisfaction, and recover any costs incurred from the franchisee or its assignees; or

2. require transfer to an owner acceptable to King County or acquire ownership of the cable system for an equitable price in the case of revocation, and at fair market value in the case of any other franchise termination. (Ord. 10159 § 23, 1991).

6.27A.220 Continuity of service mandatory.

A. Subscriber contracts shall give to subscribers the right to receive all available services from the franchisee as long as their financial and other obligations to the franchisee are satisfied.

B. The franchisee must ensure that all subscribers receive continuous, uninterrupted service. In the event of a revocation of the franchise, expiration which occurs without the franchisee having given notice pursuant to this section or abandonment of the cable system, the franchisee shall continue to operate the cable system for a period determined by the cable manager not to exceed eighteen (18) months from the date of such revocation or expiration, in order to provide for an orderly transition to another cable system operator without interruption of service. During such period the cable system must be operated under the same terms and conditions as required by this chapter, the cable rules, and the franchise agreement, except to the extent the county waives any franchise condition.

C. If the franchisee elects not to renew a franchise, the franchisee shall notify the county of its intent not less than twelve (12) months prior to the expiration date of franchise. Failure to provide this notification will subject the franchisee to the continuity of service provision in this section of this chapter. (Ord. 10159 § 24, 1991).

6.27A.230 Enforcement remedies.

A. The county may seek legal and/or equitable relief from any court of competent jurisdiction in the event a person violates this chapter, the cable rules, a franchise agreement, or applicable federal, state or local law. In addition, the county has the right to impose any one or combination of the following remedies: collect liquidated damages as provided for in the franchise agreement, assess civil penalties in an amount up to one hundred dollars per violation, require corrective action to remedy the violation, and/or revoke the franchise and franchise agreement. Each day a violation continues may be considered an additional violation. Any remedy or remedies set forth in this section may be:

1. recovered by legal action filed in King County superior court by the prosecuting attorney on behalf of King County; or

2. imposed by an administrative notice and order issued pursuant to this chapter by the director of the King County department of executive services, provided that only the county executive shall have the authority to revoke a franchise and franchise agreement.

B. In determining which remedy or remedies are appropriate, the county shall take into consideration the nature of the violation and the harm caused by it, the nature of the remedy required in order to remedy such harm and prevent further violations, and such other matters as the cable office determines are appropriate.

C. Failure of the county to enforce any requirements of this chapter, the cable rules, the franchise agreement or applicable law shall not constitute a waiver of the right to enforce that requirement, or subsequent violations of the requirement, or to seek appropriate enforcement remedies, nor shall it relieve a franchisee of the obligation to comply with any requirement.

D. A person's payment of liquidated damages or penalties or the county's imposition of any remedy shall not relieve the person of the obligation to comply with the requirements of this chapter, the cable rules, a franchise agreement, an order of the county or applicable law.

E. Any sum recovered by the county from the required security fund or letter of credit under the terms of this section shall not be a limitation upon the liability of the franchise to the county and shall not constitute an election of remedies.

F. In the event of any dispute between the franchisee and the county arising out of this chapter, the cable rules or the franchise agreement, the franchisee shall pursue and exhaust all available administrative remedies pursuant to law prior to pursuing any appropriate legal action.

G. The revocation or forfeiture of any franchise shall not affect any of the county's rights under the franchise or under any provision of law.

H. No enforcement remedy shall be imposed except in accordance with due process of law. (Ord. 14199 § 119, 2001: Ord. 10159 § 25, 1991).

6.27A.240 Notice and order procedure.

A. Any remedy imposed by administrative notice and order shall be imposed following the procedure outlined in this section.

B. The notice and order shall contain:

1. a statement that the county has found the person to be in violation of this chapter, the cable rules, a franchise agreement or any applicable law, with a brief and concise description of the conditions found to be in violation;

2. a statement of any corrective action required to be taken. If the county has determined that corrective action is required, the order shall require that all corrective action commence within such time and be completed within such time as the county determines is reasonable under the circumstances;

3. a statement specifying the amount of the civil penalty assessed, if any, on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

4. a statement advising that the order shall become final unless, no later than ten days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner.

C. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail shall be effective on the date of postmark.

D. Any person aggrieved by the order of the county may request in writing within ten days of the service of the notice and order an appeal hearing before the King County hearing examiner pursuant to K.C.C. 20.24.080 A.19. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing.

1. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as specified by K.C.C. 20.24.150. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appealing party, to the cable manager, and to other interested person who have requested in writing that they be so notified. The county may submit a report and other evidence indicating the basis for the enforcement order. Each party shall have the following rights, among others:

a. to call and examine witnesses on any matter relevant to the issues of the hearing;

b. to introduce documentary and physical evidence;

c. to cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

d. to impeach any witness regardless of which party first called him to testify;

e. to rebut evidence against him;

f. to represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

2. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has

occurred. He shall reverse the order if he finds that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested to all the parties.

E. Any order duly issued by the county pursuant to the procedures contained in this chapter shall become final ten days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten-day period. Enforcement of any notice and order of the county issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter.

F. An order which is subjected to the appeal procedure shall become final twenty days after mailing of the hearing examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in King County Superior Court. (Ord. 10159 § 26, 1991).

6.27A.250 Municipal cable system ownership authorized.

A. The county may construct, own, and/or operate a cable system.

B. Nothing in this chapter, the cable rules or a franchise agreement shall be interpreted to affect the right of the county to acquire the property of the franchisee, either by purchase or through the exercise of its right of eminent domain, for an equitable price in the case of revocation, and at fair market value in the case of any other form of franchise termination. Further, nothing in this chapter, the cable rules, or a franchise agreement shall be interpreted to contract away, modify, or abridge, whether for a term or in perpetuity, the county's right of eminent domain. (Ord. 10159 § 27, 1991).

6.27A.260 Administration.

A. This chapter shall be implemented by means of administrative rules adopted by the King County department of executive services in accordance with the provisions of K.C.C. chapter 2.98. These rules shall, at a minimum, contain requirements for applications for new franchises and franchise renewals, modifications and transfers, insurance coverage, security funds, letters of credit, restoration bonds, minimum facilities, service and line extensions, payment of franchise fees, reports and records, customer service, use of public rights-of-way, technical standards, and price arbitration. All rules shall comply with the intent of this chapter and with applicable federal, state and local law. All such rules shall have the force of law.

B. This chapter, the cable rules, and all franchise agreements shall be administered and enforced by the cable office. The functions of the cable office shall be to:

1. implement cable policy, this chapter, the cable rules and franchise agreements;
2. facilitate the resolution of complaints received from any person;
3. supervise government programming with respect to PEG operations or coordinate with any PEG access management authority designated by the county;
4. provide public information;
5. monitor cable policy and related developments in other jurisdictions and make recommendations for changes to county cable television policy;
6. develop and maintain productive relationships with franchisees, other cable system operators, and interested community groups to assure responsiveness to the needs and interests of the community;
7. provide staff assistance to any cable-related advisory committee or regulatory agency hereafter established. (Ord. 14199 § 120, 2001: Ord. 10159 § 28, 1991).

6.27A.270 Applicability to current franchise agreements. This chapter and the cable rules shall be applicable to all existing cable franchises and all franchises issued in the county in the future. (Ord. 10159 § 29, 1991).

6.28 GO KART TRACKS

Sections:

6.28.010 Definitions.
6.28.020 License required - Fee.
6.28.030 Renewal of license, registration or permit - Late penalty.
6.28.040 Compliance with zoning code.
6.28.050 Liability insurance.
6.28.060 Safety standards and specifications.
6.28.070 Reporting accidents and keeping records.
6.28.080 Telephone facilities.
6.28.090 First-aid kit.
6.28.100 Maintenance and inspections.
6.28.110 Safety helmets.
6.28.120 Penalty for violations.

6.28.130 Civil penalty.
6.28.140 Additional enforcement.

6.28.010 Definitions. For the purposes of this chapter, the words and phrases used herein shall have the following meanings:

A. "Go kart track" means any place of business, whether open to the public or operated on a private or semiprivate basis, whether or not operated for a profit, wherein the use of karts for rides, rentals, demonstrations and/or similar activities reasonably connected therewith and to only include herein those operations commonly referred to as concession tracks.

B. "Go kart" means a miniature self-propelled vehicle designed to be independently operated by the person riding therein and shall include the terms "cart," "go cart" or "kart." (Ord. 1888 Art. V § 22, 1974: Res. 23509 § 1, 1961).

6.28.020 License required - Fee. It is unlawful to open, operate, conduct, manage, maintain or control, or in any way be connected with the opening, operation, conduct, management, maintenance or control of any go kart track without a valid and subsisting license for each location. The license shall be known as a go kart track license, and the fee for the license is fixed in the sum of $500.00 per year. (Ord. 10170 § 8, 1991: Res. 23509 § 2, 1961).

6.28.030 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.28.040 Compliance with zoning code. It is unlawful for any person to manage, conduct, carry on or own the business of operating a go kart track unless the location and establishment of such business complies with the provisions of the King County zoning code or is deemed a nonconforming use thereunder. (Res. 23509 § 3(1), 1961).

6.28.050 Liability insurance. It is unlawful for any person to manage, conduct, carry on or own the business of operating a go kart track unless such person shall, prior to the conducting, managing, carrying on or establishing of the go kart track, obtain and maintain during the period of operation of the business public liability insurance covering personal injuries, property damage and medical expenses in limits of at least one hundred thousand dollars per occurrence, with at least fifty thousand dollars for any one person per occurrence and with at least five hundred dollars medical expense coverage per person per occurrence. Compliance with this section shall be deemed complete when the person furnishes the director with proof of insurance coverage by a reputable insurance carrier and with an endorsement to the effect that the director shall receive at least ten days notice prior to the cancellation of such insurance coverage of any such person governed by this chapter. (Ord. 1888 Art. V § 23, 1974; Res. 23509 § 3(2), 1961).

6.28.060 Safety standards and specifications. All go kart tracks regulated under the provisions of this chapter shall comply with the following standards and specifications intended to protect and safeguard participants and spectators at tracks:

A. The track surface shall be a smooth, durable, nonskid material such as asphalt or concrete. Gravel or crushed rock surfaces are prohibited.

B. Length of tracks shall not exceed one-quarter mile.

C. Length of straight-of-ways on tracks shall not exceed three hundred feet.

D. Width of track shall be not less than sixteen feet on straight-of-ways and not less than twenty feet on turns.

E. Track may have bank or super only on turns.

F. Grades on track shall not exceed five percent.

G. Track must join with track edge smoothly to avoid a "curb" or drop-off hazard.

H. All tracks must have a safety apron not less than fifteen feet wide between track and fence on straight-of-ways and not less than twenty-five feet wide between the track and fences on curves.

I. All tracks shall be inside a fenced enclosure. The fencing shall be chain link of No. 9 hogwire not less than four feet in height, with fence posts not less than five and one-half feet in height and placed at intervals of not more than fifteen feet.

J. Ingress and egress to the track or pit areas shall be through gates which are kept closed at all times when not in use. Responsible supervision of participants and spectators in the gate and pit areas must be provided at all times during which the go kart track is in operation.

K. Baled hay, rubber tires or similar protective materials shall be placed on all turns or curves at track and shall also be placed in a continuous ring two feet inside chain link fence around the entire track.

L. Track pits shall have separate entrance and exit lanes, shall have the same surface as track, shall be fenced off from spectator areas and a responsible employee shall supervise all pit activities.

M. No person under the age of eight years shall be allowed to drive any go kart at speeds in excess of twelve miles per hour. No person under the age of eleven years shall be allowed to drive any go kart at any speed in excess of twenty miles per hour. Under no circumstances shall go karts subject to the provisions hereof be operated at speeds in excess of twenty miles per hour, except in connection with sales demonstrations of single racing or competition go kart at any one time.

N. Spectator areas must be separated from track and pit areas by fencing as herein provided. Bleachers or grandstands, if any, shall be substantially constructed and properly maintained. Attendants must be on duty to control spectators and parking.

O. All attendants at a go kart track must at all times be under the direct control of a responsible supervisor not less than eighteen years of age during all periods of track use. (Res. 23509 § 3(3), 1961).

6.28.070 Reporting accidents and keeping records. The manager or owner shall report in writing all accidents of a nature to cause unconsciousness, broken or sprained extremities or bones, removal, breaking or loosening of teeth, hemorrhaging or lacerations which may require suturing or eye injuries to the director. Records thereof shall be maintained on the premises of all medical aid or care administered. (Ord. 1888 Art. V § 24, 1974; Res. 23509 § 4(a), 1961).

6.28.080 Telephone facilities. Track owners shall provide a telephone facility available for the use of himself and all track employees. Telephone numbers of emergency medical services of facilities should be conspicuously posted thereon. Such telephone shall be available for emergency use at all times during which the track is in operation. (Res. 23509 § 4(b), 1961).

6.28.090 First-aid kit. A first-aid kit approved by the director shall be maintained and be readily available on the track premises for emergency treatment or care of a minor nature at all times during which the track is in operation. (Ord. 1888 Art. V § 25, 1974; Res. 23509 § 4(c), 1961).

6.28.100 Maintenance and inspections. Go kart tracks and all related facilities and equipment shall be maintained in good repair. (Ord. 1888 Art. V § 26, 1974; Res. 23509 § 4(d), 1961).

6.28.110 Safety helmets. All persons riding go karts during periods of track operation shall be required to wear standard safety or "crash" helmets.
(Res. 23509 § 4(e), 1961).

6.28.120 Penalty for violations. Any person violating, or failing to comply with, any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed by law. (Res. 23509 § 7, 1961).

6.28.130 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.28.140 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a

violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.32 HEATING, AIR CONDITIONING AND VENTILATION SYSTEMS INSTALLERS

Sections:

6.32.010 License required - Fee - Application of chapter to manufacturers.
6.32.020 Time limit for license application - Expiration date of license.
6.32.030 Bond - Amount and terms - Recovery when more than one claim - Suspension of license for reduction in amount of bond.

6.32.010 License required - Fee - Application of chapter to manufacturers. It is unlawful for any person, firm or corporation to engage in the business of, or to make representation as being engaged in the business of selling, installing, altering or repairing heating, air-conditioning, ventilation and exhaust systems equipment, without first procuring and being the holder of a valid and subsisting license so to do, to be known as a "HEATING, AIR-CONDITIONING, VENTILATION SYSTEMS AND EQUIPMENT INSTALLERS LICENSE," the fee for which is fixed in the sum of fifty dollars per year; provided, however that the terms of this chapter shall not apply to the manufacture of heating, air-conditioning, ventilation and exhaust systems as above defined. (Ord. 780 (part), 1971: Ord. 205 § 1, 1969: Res. 16957 (part), 1957; Res. 12750 § 3, 1951).

6.32.020 Time limit for license application - Expiration date of license.

All persons engaged in the business of selling, installing, altering or repairing heating, air-conditioning, ventilation and exhaust systems equipment, at the time this title takes effect, shall make application for a license hereunder within ten days after this title takes effect.

All heating, air-conditioning, ventilation systems and equipment installers licenses shall expire on June 30th of each year. (Ord. 780 (part), 1971: Res. 16957 (part), 1957; Res. 13363 (part), 1952; Res. 12750 § 5, 1951).

6.32.030 Bond - Amount and terms - Recovery when more than one claim - Suspension of license for reduction in amount of bond. No heating, air-conditioning, ventilation systems and equipment installers license shall be granted until the applicant therefor has furnished a good and sufficient bond in the penal sum of one thousand dollars, executed by the applicant for license as principal and by sufficient surety approved by King County.

A. That the principal will abide by the terms of this title and ordinances relating to the sale, installation, alteration or repair of heating, air-conditioning, ventilation and exhaust systems equipment.

B. To save harmless and indemnify King County from all and any loss, damages, actions and claims of any kind or character which may accrue to or be suffered by any person by reason of failure of the principal, his servants and agents, to abide by the terms of this title and all ordinances relating to the sale, installation, alteration or repair or heating, air-conditioning, ventilation and exhaust systems equipment.

C. To save harmless and indemnify all persons for damages sustained on account of the failure of the principal of such bond to comply with the terms of this title and all ordinances relating to the sale, installation, alteration or repair of heating, air-conditioning, ventilation and exhaust systems equipment.

D. Claims shall be maintained under the bond only if the claimant serves upon the surety and King County notice of the amount of such claim and the nature thereof within six months after the principal on the bond is completed or abandoned the work giving rise to the claim, whereupon any bona fide payment of any such claim by the surety, with prompt notice thereof to King County, shall reduce the amount of the bond by the amount so provided, that if there is at one time more than one unliquidated claim under the bond, of which notice has been given as herein provided, and the total of such unliquidated claims exceeds the amount of the bond at that time, the recoveries shall be prorated so that the totals of recoveries against the surety under any circumstances shall not exceed one thousand dollars, except as the bond may be reinstated with King County.

In the event any such bond or extension thereof is terminated or the amount thereof reduced, any license granted under Section 6.32.010 shall be suspended until such time as there is filed with King County a consent of the surety to the restoration of the amount of the bond to the full sum of one thousand dollars or until the filing of a new bond in the sum of one thousand dollars, any such consent of surety or new bond is approved as provided for a new bond. (Ord. 780 (part), 1971: Res. 16957 (part), 1957; Res. 12750 § 4, 1951).

6.36 JUNK DEALERS

Sections:

6.36.010 License required.
6.36.020 Definitions.
6.36.030 License fee.
6.36.040 Application for license.
6.36.050 Renewal of license, registration or permit - Late penalty.
6.36.060 Personal property tax return.
6.36.070 Vehicle markings.
6.36.080 Records required.
6.36.090 Compliance required.
6.36.100 Records and articles to be available for inspection.
6.36.110 Seller to give true name.
6.36.120 Certain transactions prohibited.
6.36.130 No sale within ten days.
6.36.140 Police officers to be admitted.
6.36.150 Violation a misdemeanor.
6.36.160 Civil penalty.
6.36.170 Additional enforcement.

6.36.010 License required.

A. Junk Shop License: It is unlawful for any person, firm, or corporation to operate or maintain a junk shop without first obtaining a "junk shop license" pursuant to the provisions of this chapter.

B. Junk Wagon License: It is unlawful for any person, firm, or corporation to operate or maintain a junk wagon without first obtaining and displaying a valid and subsisting "junk wagon license" pursuant to the provisions of this chapter. (Res. 36055 § 1, 1968).

6.36.020 Definitions.

A. Junk: The word "junk" as used in this chapter shall be deemed to include and mean old rope, old iron, brass, copper, tin, lead, rags, empty bottles, paper, bagging, scrap metals of all kinds, and other worn out or discarded material.

B. "Junk shop" means any storeroom, building, yard, enclosure, or other place where junk is sold, bought, received or stored shall be deemed to be a JUNK "junk shop" within the meaning of this chapter; provided, however, that such definition shall not apply where junk is:

1. Purchased from a source other than a junk wagon and is in prepared form by baling, pressing, or otherwise; or in carload lots; or cut to specifications; or
2. Purchased from a licensed junk shop; or
3. Purchased directly from the industrial producer of scrap metals, by the consumer there; or
4. Purchased by automobile wreckers where automobiles are purchased and a certificate of title furnished.

C. "Junk wagon" means any vehicle used for the purpose of going from house to house, place to place, buying or offering to buy, picking up or collecting junk and transporting such junk, wholly or in part, within King County, regardless of where the junk has been bought or collected, other than a vehicle used by a regularly licensed junk shop in disposition of its own junk, is declared to be a "junk wagon" within the meaning of this chapter. (Res. 36055 § 2, 1968).

6.36.030 License fee.

A. Junk Shop License: The fee for a junk shop license shall be three hundred dollars per year payable on the thirty-first of December preceding the year for which the license is issued. Fees becoming due for less than one year shall be prorated on a quarterly basis.

B. Junk Wagon License Fee: The fee for a junk wagon license shall be forty dollars per year payable on the thirty-first of December preceding the year for which the license is issued. Fees becoming due for less than one year shall be prorated on a quarterly basis. (Ord. 10170 § 9, 1991: Ord. 5799 § 5, 1981: Res. 36055 § 3, 1968).

6.36.040 Application for license. All applications for issuance or renewal of a junk shop license or a junk wagon license shall be made to and be filed with the director on forms furnished for such purpose. This application shall state the true name of the applicant, who shall not be less than eighteen years of age, the names of all persons having a financial, proprietary, or other interest in such junk shop together with such other information as the director deems appropriate. The application shall then be referred to the

Department of Public Safety for investigation, report and recommendation. If from the reports and other information available, the director deems the applicant to be a fit and proper person, the director shall issue or renew the license applied for. (Ord. 1888 Art. V § 27, 1974: Res. 36055 § 4, 1968).

6.36.050 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.36.060 Personal property tax return. No renewal license shall issue to any junk shop owner or to any junk wagon owner until the applicant shall show that he has made a return to the King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due. (Res. 36055 § 5, 1968).

6.36.070 Vehicle markings. Every licensee operating a junk wagon shall obtain from the director two junk wagon vehicle licenses for each vehicle to be so used. On each license there shall be stamped or painted the word "junk" and the license number of the licensee. Each license shall be securely fastened to each outer side of the vehicle. In addition, such vehicle shall also be prominently and plainly marked with the name of the licensee and the street address of his place of business. The vehicle marking license shall remain the property of King County, and it is unlawful for any person other than the licensee to whom the plates were issued to possess or use any such plate. Plates possessed or used in violation of the provisions of this section, or used after the junk wagon license has expired or been suspended, or if by a dealer, after his junk shop license has expired or been suspended, shall be taken up by any police officer or the director. (Ord. 1888 Art. V § 28, 1974: Res. 36055 § 6, 1968).

6.36.080 Records required. Every person who maintains or operates a junk shop and/or a junk wagon shall provide and keep a book in which shall be plainly written in ink, in the English language, at the time of every purchase, a description of the article purchased, the printed name, signature, age, street and house number, the general description of the dress, complexion, color and appearance of the person from whom such purchase is made, and the day and hour of such purchase. All such records shall be present at the junk shop or junk wagon, and shall be at all times available for inspection by officers of the Department of Public Safety. (Ord. 1888 Art. V § 29, 1974: Res. 36055 § 7, 1968).

6.36.090 Compliance required. It is unlawful for any junk shop or junk wagon owner, or any clerk, agent, or employee of such junk shop or junk wagon to fail, neglect, or refuse to make any material entry in the records required herein, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record within five years from the date of transaction. (Res. 36055 § 8, 1968).

6.36.100 Records and articles to be available for inspection. All books and other records of any junk shop operator or any junk wagon operator relating to the purchase or receipt of any goods, wares, merchandise, junk, or other articles or things of value, shall be at all times open for inspection by the director of the Department of Public Safety or his deputy; and all junk wagon operators shall at any time allow inspection of their license and junk or other articles contained in the junk wagon. (Ord. 1888 Art. V § 30, 1974: Res. 36055 § 9, 1968).

6.36.110 Seller to give true name. Anyone who sells or otherwise gives any property to a junk shop operator or junk wagon operator shall sign the records required to be kept by such operator with his true name and shall include his correct residence address. (Res. 36055 § 10, 1968).

6.36.120 Certain transactions prohibited.

A. It is unlawful for any person to purchase any junk from any person under the age of eighteen years, without receiving from such person a written authority from the person owning such junk, authorizing him to sell the same. Such written authority shall be placed on file by the person receiving such junk. It is

unlawful for any junk shop operator or junk wagon operator to receive any article or thing known by him to be stolen, any article or thing from any person who is under eighteen years of age; intoxicated; an habitual drunkard; addicted to the use of drugs; or from any person who is known to be a thief or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such.

B. It is unlawful for any keeper of a junk shop, or person operating a junk wagon to purchase any junk between the hours of seven p.m. and seven a.m. of the following day. (Ord. 624 § 1, 1970: Res. 36055 § 11, 1968).

6.36.130 No sale within ten days. No junk shop operator or junk wagon operator shall sell or otherwise dispose of any article received or purchased by him, or remove or permit the same to be removed from his place of business within ten days after receipt of the articles have been reported to the department of public safety as herein provided, except when the articles have been inspected by a regular member of the department of public safety, and he has been authorized to dispose of such goods within a lesser period of time. (Ord. 1888 Art. V § 31, 1974: Res. 36055 § 12, 1968).

6.36.140 Police officers to be admitted. It is unlawful for any keeper of a junk shop or a junk wagon to refuse to allow any police officer to inspect his place of business or junk wagon, and all articles of junk kept therein, or to conceal or hide away any article or thing bought or received by him. (Res. 36055 § 13, 1968).

6.36.150 Violation a misdemeanor. Any violation of the provisions of this chapter shall constitute a misdemeanor. (Res. 36055 § 14, 1968).

6.36.160 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.36.170 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.40 MASSAGE PARLORS AND PUBLIC BATHHOUSES

Sections:

6.40.010 Definitions.
6.40.020 General provisions.
6.40.030 License required.
6.40.040 License application and issuance.
6.40.050 Standards for denial of license.
6.40.060 Expiration of license - due date for license fees.
6.40.070 License fees.
6.40.080 Requirements for licensing/operation.
6.40.090 Transfer of licenses and change of location.
6.40.100 Safety and sanitation.
6.40.110 Standards of conduct.
6.40.120 Standards for suspension or revocation of license.
6.40.130 Violation - penalties.

6.40.010 Definitions. For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

A. "Massage business" means the operation of a business where massages are given.

B. "Public bathhouse" means any place where baths or facilities for baths of any kind whatever are given or furnished and the term shall include but not be limited to: Finnish baths; Russian baths; Sauna

baths; Swedish baths; Turkish baths; hot tubs; baths by hot air, steam, vapor, water or electric cabinet; provided, that such term shall not include ordinary tub or shower baths where attendant is not required.

C. "Massage practitioner" means a person engaged in the practice of massage.

D. "Genitals" includes genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

E. "Massage" means the treatment of a human body by another by the external manipulation or pressure of soft tissue. Massage includes rubbing, kneading, touching, stroking, or tapping by manual means as they relate to massage with or without the aids of superficial heat, cold, water, lubricants, or salts. (Ord. 7919 § 2, 1987).

6.40.020 General provisions. Unless otherwise specified, the general licensing provisions, contained in King County Code, Chapter 6.01, shall apply to this license section. (Ord. 7919 § 3, 1987).

6.40.030 License required.

A. Massage business - public bathhouse. It is unlawful to conduct, operate or maintain a massage business or public bathhouse unless such establishment or premises is licensed as hereinafter provided.

B. Massage practitioner. It is unlawful for any person to give a massage without a massage practitioner license.

C. Exemptions. This chapter shall not apply to:

1. An individual giving massage in their home to members of their immediate family;

2. Physicians, surgeons, chiropractors, osteopaths, acupuncturists, or physical therapists who are duly licensed or certified to practice their respective professions in the State of Washington;

3. Persons practicing massage under the direct supervision of physicians, surgeons, chiropractors, osteopaths, or physical therapists duly licensed by the State of Washington. Direct supervision shall mean that the massage is given on the premises of or in the presence of such physicians, surgeons, chiropractors, osteopaths, or physical therapists;

4. Nurses who are registered as such under the laws of the State of Washington and who act under the direction and control of a duly licensed physician;

5. Persons authorized by the laws of this state as barbers and cosmetologists, provided that such massage as is practiced is within their authorized scope of practice;

6. Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political divisions; or

7. Massage practiced at the athletic department of any school or college accredited by the northwest association of secondary and higher schools. (Ord. 7919 § 4, 1987).

6.40.040 License application and issuance.

A. Massage business - public bathhouse. All applications for a massage business/public bathhouse shall be submitted in the name of the person or entity proposing to conduct such massage business/public bathhouse on the business premises and shall be signed by such person or his agent and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the director, which shall require the following information:

1. The name, home address, home telephone number, date and place of birth, and social security number of applicant if the applicant is an individual;

2. The business name, address and telephone number of the establishment;

3. The names, addresses, telephone numbers, and social security numbers of any partners, corporate officers, shareholders who own ten percent or more of the business, or other persons who have a substantial interest or management responsibilities in connection with the business, specifying the interest or management responsibility of each. For the purpose of this subsection "substantial interest" shall mean ownership of ten percent or more of the business, or any other kind of contribution to the business of the same or greater size;

4. Terms of any loans, leases, secured transactions and repayments therefor relating to the business;

B. Massage practitioner. All applications for a massage practitioner's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the director, which shall require, at a minimum, the following information:

1. The applicant's name, home address, home telephone number, date and place of birth;

2. A letter from the owner of the business indicating intent to employ the applicant; and

3. Written proof that the applicant is eighteen years of age or older. Written proof shall mean the following:

a. a motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;

b. an identification card issued by the State of Washington which bears the applicant's photograph and date of birth; or

c. a passport.

C. Applications will be submitted to a background check in accordance with the procedures of the King County department of public safety.

D. A license shall be issued within four weeks of receipt provided that there are no grounds to deny the license pursuant to the sections of this code. (Ord. 7919 § 5, 1987).

6.40.050 Standards for denial of license.

A. Massage business or public bathhouse license.

1. The director shall deny any massage business/public bathhouse license applied for under the provisions of this chapter if he determines that the applicant has:

a. Made any material misstatement in the application for a license;

b. Proposed a place of business or an establishment to be licensed which would not comply with all applicable requirements of this code including but not limited to the zoning, building, health or fire codes of King County; or

c. Not complied with the operating requirements set out in Section 6.40.080 of this chapter.

2. The director may deny any massage business/public bathhouse license applied for under the provisions of this chapter if he determines that the applicant has, within three years prior to the date of application:

a. Had any convictions or bail forfeitures which have a direct connection with the licensed activity including, but not limited to, theft, controlled substances, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud, or obscenity; or

b. Had a massage business/bathhouse license denied or revoked by this county or any other jurisdiction.

B. Massage practitioner license.

1. The director shall deny any massage practitioner license if he determines that the applicant/licensee has:

a. Made any material misstatement in the application for a license; or

b. Not complied with the operating requirements set out in Section 6.40.080 of this chapter.

2. The director may deny any massage practitioner's license if he determines that the applicant/licensee has:

a. Had any convictions or bail forfeitures which have a direct connection with the licensed activity including, but not limited to, theft, controlled substances, prostitution, sexual offenses, consumer fraud or obscenity, within three years prior to the date of application; or

b. Had a massage practitioner license revoked or suspended by the county or any other jurisdiction within one year prior to the date of application.

C. Effect of license denial. If any applicant has his or her license denied pursuant to Section 6.40.050 A.2.a. or Section 6.40.050 B.2.a. of this chapter, a license may not be granted within three years from the date of such denial provided such denial was based on a conviction classified as a felony. All other convictions pursuant to Section 6.40.050 A.2.a. or Section 6.40.050 B.2.a. of this chapter will preclude the issuance of a license under this chapter for a period of at least one year from the date of such denial. All applicants must comply with all application procedures, pursuant to this chapter. (Ord. 7919 § 6, 1987).

6.40.060 Expiration of license - due date for license fees. Every license issued or renewed pursuant to this chapter shall expire on the thirtieth of November. All license fees, set out in Section 6.40.070 of this chapter, are payable to the director at least four weeks prior to the opening of any massage business or public bathhouse, or the performance of massage in any massage business or public bathhouse. (Ord. 7919 § 7, 1987).

6.40.070 License fees. The following fees are applicable to the licensing of massage businesses, public bathhouses and massage practitioners in King County as required in this chapter:

A. Massage business	$150.00 per year
B. Public bathhouse	$150.00 per year
C. Massage practitioner	$ 50.00 per year

D. Late penalty - A late penalty shall be charged on all applications for renewal of a license received later than ten working days after the expiration date of such license. The amount of such penalty is fixed as follows:

1. Massage business.	$15.00
2. Public bathhouse	$15.00
3. Massage practitioner	$ 5.00

(Ord. 7919 § 8, 1987).

6.40.080 Requirements for licensing/operation.

A. The director shall refer applications for massage business - public bathhouse to the Seattle-King County department of public health and the King County fire marshal with a request to inspect the premises or proposed premises and submit a written report as to its sanitary and safety conditions. An application for a massage business conducted in the applicant's home shall not be referred to the King County fire marshal. All licensees shall:

1. Comply with the applicable safety and sanitation requirements of K.C.C. 6.40.100;

2. Keep business receipts showing the date of service or services given, the type of service or services rendered and the name and license number of the employee rendering the service or services. These business receipts shall be retained for a period of three years after the date of the service or services, and shall be open to inspection by the director and the King County department of public safety;

3. Allow any police officer, the director or a representative from the Seattle-King County department of public health or the King County fire marshal entry to the premises during the hours the massage business or public bathhouse is open for business, upon presentation of proper identification, for purposes of inspecting the premises;

4. Provide that all doors in the premises, excluding doors in office and storage rooms, unless the doors provide access to service areas, are so equipped that they may not be fastened shut so as to prevent reasonable access by authorities listed in subsection A.2 or 3. of this section who announce their authority to enter prior to inspection of the premises;

5. Comply with the applicable standards of conduct requirements set out in K.C.C. 6.40.110;

6. Comply with the applicable provisions of the King County building, fire and zoning codes;

7. Submit proof of a current Washington State massage business license;

8. Shall post in a prominent place a list of all services offered with a brief description of what the service entails along with the costs for such services. All business transactions with customers must be conducted in accordance with said posted list; and

9. Shall not distribute or consume liquor or controlled substances on licensed premises.

B. All applicants for a massage practitioner's license or license renewal shall:

1. Be at least eighteen years of age;

2. Submit to a background check in accordance with the procedures of the King County department of public safety;

3. Submit proof of a current Washington State massage license;

4. Comply with the applicable standards of conduct requirements of K.C.C. 6.40.110; and

5. Comply with the applicable safety and sanitation requirements of K.C.C. 6.40.100. (Ord. 15319 § 2, 2005: Ord. 9508, 1990: Ord. 7919 § 9, 1987).

6.40.090 Transfer of licenses and change of location.

A. No massage business or public bathhouse license issued under this chapter shall be transferable from one person to another. Upon the sale or transfer of any substantial interest in a massage business/public bathhouse, the license therefore shall be null and void. A new application shall be made by any person desiring to operate or maintain the establishment and shall include a release of interest statement from the previous licensee and/or a signed lease or rental agreement for the establishment.

B. The massage practitioner license, when issued, shall be valid only for the massage establishment listed on the license; provided, however, if the practitioner provides massage solely in the client's home, the license will so note and will be valid for such purpose. Before commencing work as a massage practitioner for a new employer, a massage practitioner shall submit a letter from the new employer indicating intent to employ the applicant and must have his or her license amended by the director for a fee of $2.00. (Ord. 7919 § 10, 1987).

6.40.100 Safety and sanitation. Health and sanitary requirements may include, but are not necessarily limited to, the following:

A. Each room or enclosure where massage services are performed on patrons shall be provided with adequate lighting in accordance with the building code, and in addition, at least one artificial light of not

less than forty watts shall be provided in each room or enclosure where services are performed on patrons and shall be in operation when such services are performed.

B. The premises shall have equipment for disinfecting and cleaning non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.

C. Hot and cold running water shall be provided at all times.

D. Closed cabinets shall be provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.

E. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

F. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas and all floors shall have surfaces which may be readily cleaned.

G. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.

H. Shower and/or bathtub, dressing, locker and toilet facilities shall be provided upon request for all patrons served at any given time. Upon the request of a patron, the licensee shall provide the patron with facilities to lock or secure personal property. Male and female patrons shall not simultaneously use common shower and/or bathtub, dressing, toilet and massage room facilities.

I. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.

J. Each massage practitioner shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.

K. No person shall consume food or beverages in massage work areas.

L. Animals, except for seeing-eye dogs, shall not be permitted in massage establishments.

M. A person suffering from infectious or contagious disease(s) shall not be treated by any licensed massage business or public bathhouse or massage practitioner. A massage practitioner who is suffering from infectious or contagious disease(s) shall not administer massage services.

N. All massage establishments shall continuously comply with all applicable building, fire or health ordinances and regulations. (Ord. 7919 § 11, 1987).

6.40.110 Standards of conduct.

A. The following standards of conduct/ operation must be adhered to by the owner, proprietor, manager or person in charge of any massage business or public bathhouse.

1. Any person who is employed to give a massage in such establishment must be at least eighteen years of age and be validly licensed as a massage practitioner;

2. At all times during the hours held open for business, and/or during the presence of patrons, at least one validly licensed massage practitioner must be on the premises. Public bathhouses must have a manager or supervisor on the premises at all times during the hours held open for business and/or during the presence of patrons;

3. Any person who is employed by such establishment must present documentation that he or she has attained the age of eighteen years when an inspection pursuant to this chapter is conducted. Any of the following shall be accepted as documentation of age:

a. a motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;

b. an identification card issued by the State of Washington which bears the applicant's photograph and date of birth; or,

c. a passport.

Any violation of this section shall be grounds for revocation or suspension of the license.

B. It shall be unlawful for any employee or agent or any massage business or public bathhouse to:

1. intentionally touch or manipulate the genitals of a massage patron;

2. masturbate or fondle the genital area of a massage patron;

3. administer a massage to a massage patron unless such massage practitioner's sexual and genital body parts are completely covered by opaque clothing; or

4. administer a massage to massage patrons in the same room or enclosure at the same time.

Any violation of this section shall be grounds for revocation or suspension of the license. (Ord. 7919 § 12, 1987).

6.40.120 Standards for suspension or revocation of license.

A. Massage business or public bathhouse license.

1. The director shall revoke or suspend a massage business/public bathhouse license if he determines that the licensee has:

a. Failed to comply with the applicable safety and sanitation requirements set out in Section 6.40.100 of this chapter; or,

b. Failed to comply with the applicable standards of conduct set out in Section 6.40.110 of this chapter; or,

c. Failed to comply with the applicable building, fire and zoning code provisions; or,

d. Employed persons who, within a period of one year, have been convicted of prostitution or consumer fraud stemming from activities conducted on the licensed premises, or who have been arrested for such offenses and which lead to such convictions, provided that there are two or more such convictions within one year, or two or more arrests leading to such convictions within one year.

2. The director may revoke or suspend a massage business/public bathhouse license if he determines that the licensee has:

a. Failed to comply with any of the operating requirements set out in Section 6.40.080 of this chapter; or,

b. Had any convictions or bail forfeitures which have a direct connection with the licensed activity, including, but not limited to, consumer fraud, theft, controlled substances, prostitution, permitting or promoting prostitution, sexual offenses, or obscenity; or,

c. Failed to comply with or done anything which constitutes a basis for denying a license.

3. If the director determines during an inspection that the condition of any massage business needs correction, a written notice of violation shall be issued to the supervisor, manager, owner or person in charge specifying such violations. Those same violations shall be remedied immediately or by a later date determined by the director. Failure to comply with any written notice of violation by the director to make corrections may result in suspension or revocation of the massage business.

B. Massage practitioner license.

1. The director shall suspend or revoke any massage practitioner's license if he determines that the licensee has:

a. Failed to comply with the applicable standards of conduct set out in Section 6.40.110 of this chapter;

2. The director may suspend or revoke any massage practitioner's license if he determines that the licensee has:

a. Failed to comply with any of the operating requirements set out in Section 6.40.080 of this chapter; or,

b. Had any convictions or bail forfeitures which have a direct connection with the licensed activity including, but not limited to, theft, controlled substances, prostitution, consumer fraud, obscenity, or sexual offenses;

c. Failed to comply with or done anything which constitutes a basis for denying a license.

C. Effect of license revocation. If any applicant under this chapter has his or her license revoked, a license shall not be granted under this chapter for a period of at least one year from the date of such revocation.

D. The director may suspend a license for no more than six months. (Ord. 7919 § 13, 1987).

6.40.130 Violation - penalties.

A. Misdemeanor. Every person as principal, agent or otherwise, failing, neglecting or refusing to comply with any provision of this chapter, or violating the same, shall be guilty of a misdemeanor. Each day of such failure, neglect or refusal to comply with the provision of this chapter or the violation of same shall constitute a separate offense hereunder.

B. Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision or any business license ordinance shall be subject to a civil penalty in an amount not to exceed two-hundred-fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title.

C. Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 7919 § 14, 1987).

6.52 OUTDOOR MUSICAL ENTERTAINMENTS

Sections:

6.52.010 Permit required.
6.52.020 Application for permit.
6.52.030 Permit fee.
6.52.040 Submission of plans for approval - Approving agencies.
6.52.050 Conditions for permit issuance.
6.52.060 Hours of operation.
6.52.070 Renewal of license, registration or permit - Late penalty.
6.52.080 Violation - Misdemeanor.
6.52.090 Failure to comply.
6.52.100 Civil penalty.
6.52.110 Additional enforcement.

6.52.010 Permit required. It is unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which the person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract two hundred fifty or more persons and where a charge or contribution is required for admission unless a valid county permit has been obtained for the operation of the assembly; provided, however, that the assembly may be advertised by the sponsors and/or organizers thereof after application for such permit has been made. (Ord. 187 § 1, 1969).

6.52.020 Application for permit. Written application for outdoor musical amusements, entertainments or assembly permits shall be made to the director forty or more days prior to the date upon which such assembly is scheduled to be held. Written notice of approval or disapproval of the application shall be given to the applicant no later than fifteen days after the application has been filed. Permits shall not be denied providing the conditions enumerated in Section 6.52.020 are met by the applicant. Provided that no permit may be granted to anyone who has been convicted of a felony or a crime involving moral turpitude. Provided further that each application shall be accompanied by the fingerprints and a three by five inch photograph of each and every person having any proprietary interest in the licensed activity. The director shall be empowered to obtain adequate photographs of all persons having any proprietary interest. (Ord. 1888 Art. V § 48, 1974: Ord. 187 § 2, 1969).

6.52.030 Permit fee. The basic fee required shall be seven hundred fifty dollars for each event. (Ord. 10451 § 2, 1992: Ord. 10469 § 2, 1992: Ord. 10170 § 12, 1991: Ord. 1888 Art. V § 49, 1974: Ord. 187 § 3, 1969).

6.52.040 Submission of plans for approval - Approving agencies. Whenever approval by a governmental agency other than the director is required hereunder, the applicant for such approval shall be required to cooperate fully with such agencies to insure that full review of the proposals may be accomplished by the agencies within the fifteen day time limit set out in Section 6.52.020. When any type of physical facility is required or subject to approval hereunder preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments. Should the actual facility or construction fail to meet the standards approved in the proposed plans such preliminary approval may be withdrawn and any and all permits granted subject to such approval may be withdrawn. (Ord. 1888 Art. V § 50, 1974: Ord. 187 § 4, 1969).

6.52.050 Conditions for permit issuance.

A. Location. No permit for an outdoor musical assembly shall be granted unless the assembly is to be held in those areas of unincorporated King County which have been zoned for parks and recreation, provided, however, that a permit may be granted for other areas if a zoning variance has been granted in advance by the executive department for such location.

B. Sanitary Facilities. No permit shall be granted unless the applicants obtain the written approval of the Seattle-King County health department indicating that the applicants for the permit have complied with the health requirements of the department for like or similar facilities. The approval shall indicate the type and adequacy of water supply to be provided, the type and adequacy of toilet, waste collection and washing facilities to be provided, and if there is to be food served on the premises the type and adequacy of food preparation and food service facilities to be provided.

C. Fire Prevention Standards. No permit shall be granted hereunder unless the applicant has shown that the King County fire marshal has approved fire protection devices and equipment available at such assembly. Fire prevention standards shall be as set out in chapter 17.04.

D. Cash Bond and Indemnification. No permit shall be issued hereunder unless the applicant has on deposit with the King County comptroller a cash bond in the amount as set out below to save and protect the streets, pavements, bridges, road signs and other property in the county from any and all damage that may be caused by vehicles, employees, or participants in such outdoor musical assembly and to be used, if necessary, to restore the ground where such assembly is held to a sanitary condition and pay all charges and losses of the county for damages to the streets, pavements, bridges and other property. Further, any extraordinary law enforcement costs incurred by the county which are the result of the activity shall be met by the cash bond. The amount of such bond shall be determined as follows:

For gatherings of 0 to 10,000 persons, a $5,000 cash bond;

For gatherings of 10,000 to 20,000 persons, a cash bond of $7,500;

For gatherings of 20,000 to 30,000 persons, a cash bond of $10,000;

And a cash bond shall be raised in increments of $2,500 for each additional 10,000 persons expected.

The deposit or its balance to be returned when the director certifies to the King County comptroller that no damage has been done or that the cost of making the above mentioned repairs was less than the cash bond amount and that the balance thereof should be returned. Further, the sponsors shall be required to furnish evidence of a liability insurance policy providing for a minimum of one hundred thousand dollars bodily injury coverage per person; three hundred thousand dollars bodily injury coverage per occurrence and one hundred thousand dollars property damage covering, naming King County as an additional insured.

E. Public Safety. No permit shall be granted hereunder unless the applicant obtained the written approval of the King County Department of Public Safety indicating that the following conditions have been complied with by the applicant:

1. That adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant;

2. That traffic control and crowd control personnel shall be licensed merchant patrolmen or named persons meeting the department's requirements for becoming merchant patrolmen;

3. That there shall be provided one traffic control person for each four hundred persons expected or reasonably to be expected to be in attendance at any time during the event;

4. Further that there shall be provided one crowd control person for each four hundred persons expected or reasonably expected to be in attendance at any time during the event; provided that if at any time during the event the size of the crowd exceeds by twenty percent the number of persons represented by the sponsors to be expected to be in attendance the King County Department of Public Safety shall have the discretion to require the sponsor to limit further admissions.

Any person with more than a ten percent proprietary interest in the event shall be required to be in attendance at the activity and shall be responsible for insuring that no person shall be allowed to remain on the premises if the person is violating state or county laws. Any such person having a duty to remove law violators who willfully fails to do so shall be deemed to be an aider or abettor of such violation.

F. Parking Facilities. Application for a permit hereunder shall be accompanied by a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. Provided, that if any nonadjacent parking facilities be approved, shuttle buses shall be used to transport the public to the event on a no-charge basis. (Ord. 1888 Art. V § 51, 1974: Ord. 187 § 5, 1969).

6.52.060 Hours of operation. No outdoor musical assembly shall be conducted in the unincorporated areas of King County during the hours of 12:01 a.m. and 9:00 a.m.; provided, that no license shall be issued for more than one forty-eight hour period ending at midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than one a.m. of each day of the licensed event. (Ord. 10451 § 3, 1992: Ord. 187 § 6, 1969).

6.52.070 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.52.080 Violation - Misdemeanor. Any person who violates or fails to comply with any provision of this chapter, who, having obtained a permit hereunder, willfully fails to continue to comply with the terms and conditions hereunder, or who counsels, aids or abets such a violation or failure to comply is guilty of a misdemeanor. (Ord. 187 § 7, 1969).

6.52.090 Failure to comply. Compliance with the terms and conditions of this chapter constitutes the minimum health, sanitation and safety provisions and failure to comply with the terms and conditions constitutes a public nuisance and the sponsors of the event shall be subject to all criminal and civil remedies as such. (Ord. 187 § 8, 1969).

6.52.100 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.52.110 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.56 PAWNBROKERS*

Sections:

6.56.010 License required.
6.56.020 Pawnbroker and pawnshop defined.
6.56.030 License fee.
6.56.040 Application for license.
6.56.050 Personal property tax return.
6.56.060 Limitations on licensing.
6.56.070 Renewal of license, registration or permit - Late penalty.
6.56.080 Records required.
6.56.090 Compliance required.
6.56.100 Transcript to be furnished.
6.56.110 Records and articles to be available for inspection.
6.56.120 Seller or consignee to give true name and address.
6.56.130 Authorized rate of interest - Penalty for violation.
6.56.140 Prima facie evidence of violation.
6.56.150 Period of redemption.
6.56.160 Certain transactions prohibited.
6.56.170 Pawnshop to be closed during certain hours.
6.56.180 Violation - Misdemeanor.
6.56.190 Civil penalty.
6.56.200 Additional enforcement.

*For statutory provisions regarding business regulations of pawnbrokers, see chapter 19.60 RCW.

6.56.010 License required. It is unlawful for any person, firm, or corporation to engage in the business of pawnbroker, or to conduct a pawnshop without first obtaining a "pawnbroker's license" pursuant to the provisions of this chapter. (Res. 36053 § 1, 1968).

6.56.020 Pawnbroker and pawnshop defined.

A. The term "pawnbroker" as used in this chapter, means and includes every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that he has money to loan on personal property on deposit or pledge.

B. The term "pawnshop" means and includes every place at which the business of pawnbroker is being carried on. (Res. 36053 § 2, 1968).

6.56.030 License fee. The fee for such license shall be five hundred dollars per year, payable on the thirty-first of December preceding the year for which the license is issued. Fees becoming due for less than one year shall be prorated on a quarterly basis. (Ord. 10170 § 13, 1991: Res. 36053 § 3, 1968).

6.56.040 Application for license. All applications for issuance or renewal of a pawnbroker's license shall be made to and be filed with the director on forms furnished for such purpose. This application shall state the true name of the applicant, who shall not be less than eighteen years of age, the names of all persons having a financial, proprietary, or other interest in such pawnshop, together with such other information as the license division deems appropriate. The application shall then be referred to the Department of Public Safety for investigation, report and recommendation. If, from the reports and other information available, the director deems the applicant to be a fit and proper person, the director shall issue or renew the license applied for. (Ord. 1888 Art. V § 52, 1974; Ord. 1005 § 2, 1971: Res. 36053 § 4, 1968).

6.56.050 Personal property tax return. No renewal license shall issue to any pawnbroker until the applicant shall show that he has made a return to King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due. (Res. 36053 § 5, 1968).

6.56.060 Limitation on licensing. No pawnbroker's license shall be issued which would increase the number of holders of such licenses to more than one for every fifteen thousand of population, according to the last preceding federal census, provided that this population limitation shall not operate to prohibit the licensing of any pawnbroker duly licensed prior to the enactment of this chapter, if such pawnbroker is otherwise duly qualified. (Res. 36053 § 6, 1968).

6.56.070 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.56.080 Records required. Every pawnbroker shall maintain at his place of business a book in which he shall at the time of such loan, purchase or sale, enter, in the English language, written in ink, the following information:

A. The date of the transaction;

B. The name of the person conducting the transaction and making the entries required herein;

C. The printed name, signature, age, street and house number, the general description of the dress, complexion, color of hair and facial appearance of the person with whom the transaction is had, including the identification which the customer shall present to verify his identity, and the account or other number of such identification;

D. The name and street and house number of the owner of the property bought or received in pledge;

E. The street and house number of the place from which the property bought or received in pledge was last removed;

F. A description of the property bought or received in pledge, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscriptive or identifying marks; provided, that when the article received is furniture or the contents of any house or room, actually inspected on the premises where the sale is made, a general description of the property shall be sufficient;

G. The price paid or the amount loaned; and

H. The number of any pawn tickets issued therefor. (Res. 36053 § 7, 1968).

6.56.090 Compliance required. It is unlawful for any pawnbroker or any clerk, agent, or employee of such pawnbroker to fail, neglect, or refuse to make any material entry in this record, as required by this chapter, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record within five years from date of transaction. (Res. 36053 § 8, 1968).

6.56.100 Transcript to be furnished.

A. Transcript Required. It is the duty of every pawnbroker to deliver to the King County Department of Public Safety at the close of every business week a full, true and correct transcript of the record of all transactions occurring during the preceding week.

B. Duty to Report. It is also the duty of any pawnbroker having good cause to believe any property in his possession has been previously lost or stolen, to report such fact to the Department of Public Safety immediately, together with the name of the owner, if known, and the date and name of the person from whom the same was received by such pawnbroker. (Ord. 1888 Art. V § 75, 1974; Res. 36053 § 9, 1968).

6.56.110 Records and articles to be available for inspection. All books and other records of any pawnbroker relating to purchase, pledge, exchange, order or receipt of any goods, wares, merchandise, or other articles or things of value, shall at all times be open for inspection by the King County Department of Public Safety; and all articles or things received, purchased or left in pledge with the pawnbroker shall at all times be open to a like inspection. (Ord. 1888 Art. V § 76, 1974; Res. 36053 § 10, 1968).

6.56.120 Seller or consignee to give true name and address. Anyone who pledges, sells, or consigns any property to or with a pawnbroker shall sign the records required to be kept by such pawnbroker with his true name and shall include his correct residence address. (Res. 36053 § 11, 1968).

6.56.130 Authorized rate of interest - Penalty for violation. All pawnbrokers are authorized to charge and receive interest at the rate of three percent per month, for any loan on the security of personal property actually received in pledge, and every person who asks or receives a higher rate of interest or discount on any such loan, or on any actual or pretended sale, shall, on redemption of such personal property, be deemed guilty of a violation of this chapter. (Res. 36053 § 12, 1968).

6.56.140 Prima facie evidence of violation. The fact of loaning money upon or purchasing goods from any of the classes enumerated in Section 6.56.130 shall be prima facie evidence of an intent on the part of such pawnbroker, his agent or employee, to violate this chapter. (Res. 36053 § 13, 1968).

6.56.150 Period of redemption. No pawnbroker shall sell any property held by him as security for a loan until ninety days after the period for redemption shall have expired. (Res. 36053 § 14, 1968).

6.56.160 Certain transactions prohibited.

A. It is unlawful for any pawnbroker, his clerk or employee to receive in pledge, or purchase, any article or thing known to him to be stolen, any article or thing from any person who is under eighteen years of age; intoxicated; addicted to the use of drugs; or from any person who is known to be a thief, or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such.

B. It is unlawful for any pawnbroker, his clerk or employee, to refuse to return property which has been identified as stolen or pawned without authorization, to any person the pawnbroker, his clerk or employee knows to be the rightful owner, or to charge a fee for the return of such property to the rightful owner.

1. "Identified as stolen/or pawned without authorization" shall mean any property which has been reported by the rightful owner to legitimate authority as missing or stolen.

2. "The rightful owner", unless otherwise proven, shall be considered to be the person having possession of the property prior to the theft or removal without authorization. (Ord. 6383 § 1, 1983: Ord. 521 § 1, 1970: Res. 36053 § 15, 1968).

6.56.170 Pawnshop to be closed during certain hours. It is unlawful for any pawnbroker to conduct or carry on the business of the pawnbroker, in whole or in part, directly or indirectly, or to open or keep open, his pawnshop for the transaction of any business whatsoever therein, between the hours of eight p.m. and seven a.m., except that from December 1st to December 24th of each year, when pawnbrokers may remain open until ten p.m. (Res. 36053 § 16, 1968).

6.56.180 Violation - Misdemeanor. Any violation of the provisions of this chapter constitutes a misdemeanor. (Res. 36053 § 17, 1968).

6.56.190 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1973).

6.56.200 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1973).

6.60 SECONDHAND DEALERS*

Sections:

6.60.010 License required.
6.60.020 Secondhand dealer and secondhand goods defined.
6.60.030 License fee.
6.60.040 Application for a license.
6.60.050 Renewal of license, registration or permit - Late penalty.
6.60.060 Personal property tax return.
6.60.070 More than one shop - Change of location.
6.60.080 Records required.
6.60.090 Compliance required.
6.60.100 Transcript to be furnished.
6.60.110 Records and articles to be available for inspection.
6.60.120 Seller to give true name and address.
6.60.130 No sale within ten days.
6.60.140 Certain transactions prohibited.
6.60.150 Violation a misdemeanor.
6.60.160 Civil penalty.
6.60.170 Additional enforcement.

*For statutory provisions regulating secondhand dealers, see chapter 19.60 RCW.

6.60.010 License required. It is unlawful for any person, firm or corporation to engage in the business of buying, selling, or trading in secondhand goods in King County without first obtaining a "secondhand dealer's license" pursuant to the provisions of this chapter. (Res. 36054 § 1, 1968).

6.60.020 Secondhand dealer and secondhand goods defined.

A. The term "secondhand dealer" as used in this chapter, means and includes every person who as a business engages in the purchase, sale, trade, barter, auction, sale on consignment, or otherwise exchanges secondhand goods, or who keeps a store, shop, room or other place where secondhand goods of any kind or description are bought, sold, traded, bartered, pledged, pawned, auctioned, sold on consignment, or otherwise exchanged, including dealers in used or remanufactured automobile tires or parts; provided,

however, that this term shall not apply to those persons engaged in the business of selling used or secondhand motor vehicles or boats.

B. The term "secondhand goods" when used in this chapter means and includes any and all used, remanufactured, or secondhand goods purchased or kept for sale by a dealer in secondhand goods; provided however, such term shall not be construed to include junk as defined in Section 6.36.020, or used or secondhand motor vehicles or boats. (Ord. 623 § 1, 1970: Res. 36054 § 2, 1968).

6.60.030 License fee. The fee for such license shall be forty dollars per year, payable on the thirty-first of December preceding the year for which the license is issued. Fees becoming due for less than one year shall be prorated on a quarterly basis. (Ord. 10170 § 14, 1991: Ord. 5799 § 7, 1981: Res. 36054 § 3, 1968).

6.60.040 Application for a license. All applications for issuance or renewal of secondhand dealer's license shall be made to and be filed with the director on forms furnished for such purpose. This application shall state the true name of the applicant, who shall not be less than eighteen years of age, the names of all persons having a financial, proprietary, or other interest in such secondhand dealer's shop, together with such other information as the director deems appropriate. The application shall then be referred to the King County Department of Public Safety for investigation, report, and recommendation. If, from the reports and other information available, the license division deems the applicant to be a fit and proper person, the director shall issue or renew the license applied for. (Ord. 1888 Art. V § 77, 1974; Ord. 1005 § 3, 1971: Res. 36054 § 4, 1968).

6.60.050 Renewal of license, registration of permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.60.060 Personal property tax return. No renewal license shall issue to any secondhand dealer until the applicant shows that he has made a return to the King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due. (Res. 36054 § 5, 1968).

6.60.070 More than one shop - Change of location. Any person having more than one place of business where secondhand goods are bought, sold, traded, bartered, or exchanged, shall be required to procure a separate license for each and every such place of business. A secondhand dealer's license shall not be transferable from one person to another, but the licensee may have his license transferred to a new location by the director, and the change of address shall be noted on the license, together with the date of which the change was made. (Ord. 1888 Art. V § 53, 1974; Res. 36054 § 6, 1968).

6.60.080 Records required. Every secondhand dealer shall maintain at his place of business a book in which he shall at the time of purchase of any secondhand goods enter, in the English language, written in ink, the following information:

A. The date of the transaction;

B. The name of the person conducting the transaction and making the entries required herein;

C. The printed name, signature, age, and address of the person with whom the transaction is had;

D. The address of the place from which the property was last removed;

E. An accurate description of the property bought, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscriptive or identifying marks; provided, that when the article received is furniture or the contents of any house or room, actually inspected on the premises where the sale is made, the general description of the property shall be sufficient; and

F. An itemized statement of the price or amount paid for the property purchased. (Res. 36054 § 7, 1968).

6.60.090 Compliance required. It is unlawful for any secondhand dealer, or any clerk, agent, or employee of such secondhand dealer to fail, neglect, or refuse to make any material entry in this record, as required by this chapter, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record within five years from the date of the transaction. (Res. 36054 § 8, 1968).

6.60.100 Transcript to be furnished.

A. Transcript Required. It is the duty of every secondhand dealer to deliver to the King County Department of Public Safety at the close of every business week a full, true, and correct transcript of the record of all transactions occurring during the preceding week. Secondhand goods taken on consignment or trade-in will be recorded in the same manner as goods purchased outright.

B. Duty to Report. It is also the duty of any secondhand dealer having good cause to believe any property in his possession has been previously lost or stolen, to report such act to the Department of Public Safety immediately, together with the name of the owner, if known, and the date and name of the person from whom the same was received by such secondhand dealer. (Ord. 1888 Art. V § 55, 1974; Res. 36054 § 9, 1968).

6.60.110 Records and articles to be available for inspection. All books and other records of any secondhand dealer relating to purchase or receipt of any goods, wares, merchandise, or other things of value, shall at all times be open for inspection by the King County Department of Public Safety; and all articles or things received or purchased shall at all times be open to a like inspection. (Ord. 1888 Art. V § 55, 1974; Res. 36054 § 10, 1968).

6.60.120 Seller to give true name and address. Anyone who sells or otherwise leaves any property with a secondhand dealer shall sign the records required to be kept by such dealer with his true name and shall include his correct residence address. (Res. 36054 § 11, 1968).

6.60.130 No sale within ten days. No dealer in secondhand goods shall sell or dispose of any article received or purchased by him or permit the same to be removed from his place of business within ten days after the receipt of such goods has been reported to the director of the Department of Public Safety as provided herein, except when the goods have been inspected by regular members of the Department of Public Safety, and they have authorized the secondhand dealer to dispose of such goods within a lesser period of time; provided, that consigned property sold at auction need only be held for three days prior to sale. (Ord. 623 § 2, 1970: Res. 36054 § 12, 1968).

6.60.140 Certain transactions prohibited.

A. It is unlawful for any secondhand dealer, his clerk or employee, to purchase or receive any article or thing known by him to be stolen, any article or thing from a person who is under eighteen years of age, intoxicated, addicted to the use of drugs, or from any person who is known to be a thief, or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such.

B. It is unlawful for any secondhand dealer, his clerk or employee to refuse to return property which has been identified as stolen or sold without authorization, to any person the secondhand dealer, his clerk or employee, knows to be the rightful owner, or to charge a fee for the return of such property to the rightful owner.

1. "Identified as stolen or sold without authorization" shall mean any property which has been reported by the rightful owner to legitimate authority as missing or stolen.

2. "The rightful owner", unless otherwise proven, shall be considered to be the person having possession of the property prior to the theft or removal without authorization. (Ord. 6383 § 2, 1983: Ord. 623 § 3, 1970: Res. 36054 § 13, 1968).

6.60.150 Violation a misdemeanor. Any violation of the provisions of this chapter shall constitute a misdemeanor. (Res. 36054 § 14, 1968).

6.60.160 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator, the gravity of the violation, the number of past and present violations committed and the good faith of the violator in attempting to achieve

compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.60.170 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.64 TAXIS - BUSINESSES AND DRIVERS

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I. GENERAL PROVISIONS

6.64.007 Scope of authority. Unless otherwise specifically stated, binding provisions shall apply to all licensees operating in the unincorporated areas of King County and other jurisdictions or public agencies authorized to contract for services with King County under the authorities provided in the Interlocal Agreement Act, RCW 39.34, as amended; provided, that should provisions herein conflict with those contained in any such interlocal agreement, the interlocal agreement shall supersede in all cases. (Ord. 10498 § 4, 1992).

6.64.010 Definitions. For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

A. "Affiliated representative" means the individual within the service organization who has the authority to file special rates and contract agreement rates and charges for a group of affiliated taxicabs, and who is designated as the individual responsible for the receipt of any correspondence or notices pertaining to the service organization or the taxicabs or for-hire vehicles operating within the service organization.

B. "Affiliated taxicab" means a taxicab associated with a service organization.

C. "Alcohol" means a mixture containing no less than eighty-five percent methanol, ethanol or other alcohols, in any combination, by volume.

D. "Alternative fuel" means a means for propulsion by other than gasoline or diesel fuel. “Alternative fuel” includes:

1. Alcohol;
2. Duel energy;
3. Electricity;
4. Natural gas;
5. Propane; and

6. Human power.

E. "Approved mechanic facility" means a garage or repair facility that employs mechanics:

1. Who have successfully passed the examinations of, and met the experience requirements prescribed by, the National Institute for Automotive Service Excellence;

2. Who have been awarded certificates in evidence of competence satisfactory to the director;

3. Who are authorized emission specialists certified by the Washington Department of Ecology;

4. None of whom are the owner, lessee or driver of a taxicab or for-hire vehicle or the employee of a taxicab or for-hire vehicle company; and

5. None of whom have a financial interest in a taxicab or for-hire vehicle or taxicab or for-hire vehicle company.

F. "Contract agreement rate" means the rate specified in a written agreement signed by both parties in advance of the dispatch of a taxicab or for-hire vehicle for the services identified in the contract.

G. "Director" means the director of the King County department of executive services and his or her duly appointed representatives.

H. "Dual energy" means capable of being operated using an alternative fuel and gasoline or diesel fuel.

I. "Engage in the business of operating a taxicab or vehicle for hire" means the pickup and transportation of any fare paying passenger from a point within the geographical confines of unincorporated King County, whether or not the vehicle is dispatched from a taxicab stand or office within any other municipal corporation, and whether or not the ultimate destination or route of travel is within the confines of unincorporated King County. However, nothing in this chapter shall be construed to apply to taxicabs or for-hire vehicles licensed by any other municipal corporation and transporting passengers from a point within the licensing municipality to a destination outside thereof, whether or not the ultimate destination or route traveled is within unincorporated King County.

J. "For-hire driver" means any person in control of, operating or driving a taxicab or for-hire vehicle and includes a lease driver, owner-operator or driver of taxicabs or for-hire vehicles as an employee.

K. "For-hire vehicle" means and includes every motor vehicle used for the transportation of passengers for hire and not operated exclusively over a fixed and definite route, except:

1. Taxicabs;

2. Passenger vehicles carrying passengers on a noncommercial enterprise basis;

3. Vehicles or operators expressly exempt by the RCW from county regulation;

4. Operators of charter boats.

L. "For-hire vehicle owner" means the registered owner of the vehicle as defined by RCW 46.04.460 as now of hereafter amended.

M. "He" means and includes in all references either he or she.

N. "His" means and includes in all references either his or her.

O. "Independent taxicab" means a taxicab that is not affiliated with a service organization.

P. "Lease driver" or "Lessee" means a for-hire driver who is an independent contractor or sole proprietor and who has a taxicab for-hire vehicle lease contract or other form of agreement with a taxicab or for-hire vehicle owner or service organization.

Q. "Lessor" means an owner of a taxicab or for-hire vehicle who leases, by contract or other form of agreement, to a lease driver.

R. "Licensee" means all applicants, including for-hire drivers, vehicle owners and service organizations including the affiliated representative required to license under this chapter.

S. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley, though vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires shall not come under this chapter.

T. "Service organization" means a group of taxicabs owned or operated by the same or various owners and using the same color scheme, trade name and dispatch services, and having an affiliated representative.

U. "Special rate" means discounted rates for senior citizens and disabled.

V. "Summary suspension" means where conditions exist that are deemed hazardous to life and property, the public official in charge is authorized to immediately stop such hazardous conditions that are in violation of this rule, p to and including suspending the vehicle license.

W. "Taxicab" means every motor vehicle used for the transportation of passengers for hire, where the route traveled or destination is controlled by a customer and the fare is based on an amount recorded and indicated on a taximeter or on a special fare rate or contracted agreement as permitted by this chapter.

X. "Taxicab vehicle owner" means the registered owner of the vehicle as defined in RCW 46.04.460, as now or hereafter amended.

Y. "Taximeter" means any instrument or device by which the charge for hire of a passenger-carrying vehicle is measured or calculated either for the distance traveled by the vehicle or for waiting time, or for both, and upon which the calculated charges shall be indicated by means of figures.

Z. “Wheelchair accessible taxicab” means a taxicab designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act and inspected and approved by the director or the director’s designee. (Ord. 17665 § 1, 2013: Ord. 15263 § 1, 2005: Ord. 14199 § 121, 2001: Ord. 10498 § 1, 1992).

6.64.015 Interlocal agreement. The executive may execute an interlocal agreement with either the city of Seattle or the Port of Seattle, or both, for the purposes of coordinating and consolidating for-hire driver, taxicab and for-hire vehicle licensing, administration and enforcement, reducing duplication of licensing functions, and a sharing of license fees as agreed to by the city and county. The agreement may authorize the city to accept and investigate applications for and issue taxicab and for-hire vehicle licenses and license renewals on behalf of the county, but only if the city uses the requirements of this chapter for taxicab and for-hire vehicle licenses. The agreement may authorize the county to accept and investigate applications for and issue for-hire driver licenses and license renewals and/or taxicab vehicle licenses and license renewals on behalf of the city, but only if the city agrees to the requirements of this chapter for driver licenses and/or taxicab licenses. (Ord. 17665 § 2, 2013: Ord. 10498 § 5, 1992).

6.64.025 Fees. The following nonrefundable fees for taxicab and for-hire vehicles shall apply:

A. Taxicab or for-hire vehicle license

Taxicab	$450.00
Wheelchair accessible taxicab	No fee
Taxicab late fee	$45.00
For-hire vehicle	$450.00
For-hire vehicle late fee	$45.00
Vehicle equipment change	$75.00
Change of owner: July/Dec	$450.00
Jan/June	$225.00
Replace taxicab plate	$25.00
Vehicle inspection rescheduling fee	$25.00

B. For-hire driver

Taxicab and for-hire license	$95.00
Late fee	$15.00
ID photo	$5.00
Fingerprinting	per charge authorized by RCW 10.97.100
Replacement license	$5.00
Training fee	per contract
Rescheduling fee	$15.00

(Ord. 17404 § 2, 2012: Ord. 16695 § 2, 2009: Ord. 15951 § 2, 2007: Ord. 15263 § 2, 2005: Ord. 15059 § 2, 2004: Ord. 13334 § 2, 1998: Ord. 11558 § 1, 1994: Ord. 10498 § 6, 1992).

II. TRADE NAME AND COLOR SCHEME REGISTRATION

6.64.200 Service organization registration. A registration shall be filed by the affiliation representative with the director annually on or before August 31 on forms provided for same and shall be sworn to and notarized and include the following:

A. The name, business address, and business phone number of the service organization;

B. Ownership information including the names, home addresses, phone numbers, dates of birth, social security numbers of any owner, or if a corporation or other business entity, of the officers and registered agent, true legal name, state of incorporation and Washington business license number, and any other information which may be reasonably required;

C. The color scheme the taxicabs in the service organization will be operating under and two (2) 2" X 2" sample color chips;

D. The name, address, phone number and date of birth of the affiliated representative;

E. The taxicab number and the name of each taxicab vehicle owner operating under the service organization;

F. Any other information as may be required by the director. (Ord. 10498 § 7, 1992).

6.64.210 Color scheme. The director shall, in the interest of protecting the public from being deceived or confused, have the exclusive control in the granting of permission to use any color scheme, design, or monogram by any taxicab and/or taxicab service organization. (Ord. 10498 § 8, 1992).

6.64.220 Independent color scheme. Independent taxicab owners shall file the color scheme the taxicab will be operating under on forms provided for same including two (2) 2" X 2" sample color chips. (Ord. 10498 § 9, 1992).

III. VEHICLE LICENSE REQUIREMENTS AND STANDARDS

6.64.300 Taxicab and for-hire license required. It is unlawful to own or operate, advertise, or engage in the business of operating a taxicab or for-hire vehicle in unincorporated King County without first having obtained, for each and every vehicle so used, a taxicab or for-hire vehicle license. (Class M). (Ord. 10498 § 10, 1992).

6.64.310 Application. An application shall be filed by the registered owner of the vehicle to be used as a taxicab or for-hire vehicle on forms provided by the director. The application shall be signed and sworn to by the applicant and shall include:

A. The full name of the applicant, date of birth, social security number, business address, home address, phone number, and any other applicant information as may be reasonably required;

B. If the applicant is a corporation, the corporation name, corporation's business address and telephone number, full names, titles, dates of birth, social security numbers, home addresses and phone numbers of each officer, and the name, address, date of birth, and phone number of the registered agent of the corporation, state of Washington business license number and any other corporation information as may be reasonably required;

C. Vehicle information including the name and number the taxicab or for-hire vehicle will be operating under, the make, model, year, vehicle identification number, Washington state license number and any other vehicle information as may be reasonably required;

D. Whether or not the applicant or applicants have ever had a license suspended, revoked or denied and for what reason;

E. Criminal history information of the applicant, or if a corporation, each officer and registered agent. (Ord. 17665 § 3, 2014: Ord. 10498 § 11, 1992).

6.64.320 Required documents. In addition to the application required in Section 6.64.310, the applicant for a taxicab or for-hire vehicle license shall submit the following:

A. State of Washington For-Hire Certificate;

B. State of Washington vehicle registration;

C. Certificate of insurance as required in Section 6.64.350.

D. Certificate of safety as required in Section 6.64.360.

E. City of Seattle Weights and Measures vehicle inspection approval;

F. Other documents as may be reasonably required. (Ord. 10498 § 12, 1992).

6.64.330 Applicant requirements. No person or, if the applicant is a corporation, no officer or registered agent, shall be issued a taxicab or for-hire vehicle license unless the following minimum applicant qualifications are met:

A. Must be eighteen years of age or older;

B. Must present documentation, as required by the United States Department of Homeland Security's Citizenship and Immigration Services Agency, that the applicant is authorized to work and/or own a business in the United States. (Ord. 17665 § 4, 2013: Ord. 10498 § 13, 1992).

6.64.340 Vehicle requirements. No person, or if the applicant is a corporation, no officer or registered agent, shall be issued a taxicab or for-hire vehicle license unless the following minimum vehicle requirements are met:

A. Must meet a color scheme approved by the director;

B. Must be properly insured as required in K.C.C. 6.64.350;

C. Must meet the safety standards as required in K.C.C. 6.64.360;

D. Must meet the vehicle standards as required in K.C.C. 6.64.370. (Ord. 10498 § 14, 1992).

6.64.350 Insurance required.

A. The applicant shall provide an insurance policy declaration or insurance binder proving compliance with chapter 46.72 RCW, as now or hereafter amended, for each taxicab or for-hire vehicle to be licensed. The policy declaration or insurance binder shall also provide that the insurer notify the director of any cancellation, in writing, at least thirty days before cancellation of the policy;

B. The policy shall be issued by an admitted carrier in the state of Washington with at least an A- financial rating by A.M. Best, but the director may temporarily suspend either or both of these requirements if no other viable insurance options are available to the industry;

C. King County, its officers, officials, agents and employees shall be named as an additional insured. Applicant shall provide a copy of the additional insured endorsement;

D. Not include self-insured retention, nonstandard deductibles, aggregate limits, territorial restrictions, named driver requirements or any other provisions that limit insurance coverage;

E. In addition, all applicants shall maintain a policy of underinsured motorist coverage which runs to the benefit of passengers. Proof of compliance will be a policy declarations or a binder of insurance indicating a minimum coverage of fifty thousand dollars per person, and one hundred thousand dollars per accident;

F. If an insurance policy is cancelled, proof of a new policy must be filed before the date of cancellation or the taxicab or for-hire vehicle license is automatically suspended and must be surrendered to the director. (Ord. 15263 § 3, 2005: Ord. 10498 § 15, 1992).

6.64.360 Certificate of safety.

A. The inspection for a certificate of safety required in K.C.C. 6.64.320 shall be performed by an approved mechanic facility as defined in this chapter. Such an inspection shall ensure the mechanical and structural integrity of the vehicle and shall include:

1. Adequate braking system including emergency or auxiliary as per the manufacturer's allowable tolerance;
2. Adequate suspension system to prevent excessive motion when the vehicle is in operation;
3. Adequate steering system as per the manufacturer's allowable tolerance;
4. Exhaust system that is free of leaks, defects, or tampering and that meets State of Washington motor vehicle emissions standards;
5. No fluid leaks, including but not limited to motor oil, antifreeze, transmission fluid, and brake fluid;
6. Air conditioning system free of CFC leaks, if the vehicle has such system;
7. No excessive noise;
8. Mechanically sound;
9. Front end aligned; and
10. Other safety standards as may be required for vehicle safe operation as prescribed by the director.

B. The taxicab or for-hire vehicle owner or the service organization shall keep all maintenance and service records for all of their taxicabs and for-hire vehicles.

C. The taxicab or for-hire vehicle owner or the service organization shall insure that each taxicab or for-hire vehicle shall be inspected and obtain a certificate of safety before it is placed into service and thereafter semiannually. (Ord. 17665 § 5, 2013: 10498 § 16, 1992).

6.64.370 Vehicle standards.

A. No taxicab or for-hire vehicle shall be operated unless it meets the minimum vehicle standards as prescribed in this section. Each taxicab or for-hire vehicle shall be inspected by the director before it is placed into service and thereafter semi-annually. No taxicab or for-hire vehicle shall be operated without having passed inspection within the last six months. The inspection required by this section and the vehicle operating standards shall include the following:

1. Current taxicab vehicle plate or for-hire vehicle decal displayed as prescribed by the director; (Class I)
2. Rate posting, numbers and letters displayed as prescribed by the director; (Class I)
3. Color scheme, decals and insignias as approved by the director; (Class I)
4. Windshield wiping blades, switch and defroster, all fully operational; (Class I)
5. Mirrors, one that is rear view and two that are side view, one left and one right, that are adjustable and free of cracks or defects; (Class I)
6. The taxicab or for-hire vehicle must be equipped with four doors, and all door latches shall be operable from both the interior and exterior of the vehicle. No devices are allowed on the vehicle that could restrict the ability of a passenger from readily exiting the vehicle in an emergency; (Class I)

7. The windshield shall be without cracks, chips or defects that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a clean condition so as not to obstruct visibility; (Class I)

8. Adequate emergency braking system; (Class I)

9. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, back-up lights, license plate lights, emergency flashers, and interior lights shall all be operable and properly covered with factory equivalent lenses; (Class I)

10. Tires, including spare, shall be properly inflated, and have a minimum tread depth of 2/32 inches as determined by gauge, on all surfaces contacting the road, and free of visible defects; (Class I)

11. No loose items on the taxicab or for-hire vehicle dashboard or rear shelf; (Class I)

12. Horn fully operational; (Class I)

13. Interior panels free of rips or tears, interior lights, dashboard instruments and lights operating properly; (Class I)

14. Floor covering on all floor areas, no metal showing, and no torn or ripped floor mats; (Class I)

15. Upholstered area and headliner to have no rips, torn seams, holes, or burns; (Class I)

16. Seats shall be unbroken, fastened securely, and have no exposed springs, wires, or framework; (Class I)

17. Seat belts shall be functional and readily available for passenger use; (Class I)

18. Pedals shall have rubber pads with no metal showing; (Class I)

19. The trunk or luggage area must be covered either with a factory covering or a floor carpet. This covering or carpet shall be maintained in a clean condition, free of foreign matter, offensive odors, and litter. The trunk or luggage area shall contain only the following items:

a. a spare tire (inflated);

b. those tools or accessories necessary for the safe operation of the taxicab or for-hire vehicle;

c. those items necessary for vehicle cleaning and passenger safety and/or convenience;

d. a serviceable tire jack; and

e. a child car seat; (Class I)

20. Bumpers and body molding must be in good condition and properly attached as the manufacturer intended; (Class I)

21. General body is to be free of noticeable dents, rust or holes which would impair the appearance or serviceability of the vehicle. A violation of this section is deemed to have occurred any time one or more of the following exists:

a. a body defect six linear inches or greater and where the deepest point of depression is one-quarter inch or greater;

b. a body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter inch or greater;

c. a defect that is one-half inch at the deepest point of depression regardless of width or height;

d. exterior paint that is not uniform in color, does not completely cover the vehicle, or is not in compliance with approved color scheme; or

e. any area of the exterior surface that contain a hole which is one-half inch or greater; (Class I)

22. Wheels and rims straight and aligned properly. Wheels must have hubcaps or covers. Rims are to be of uniform color; (Class I)

23. Two-way radio dispatch or telephone operational; (Class I)

24. Meter sealed and functioning per ordinance requirements; (Class I)

25. Functional heater, defroster, and fan; (Class I)

26. Consumer information board included as prescribed by the director; (Class I)

27. Decals, posters, or any other material shall not be placed on the windows or windshield so as to obscure the driver's or passenger's view; (Class I)

28. A toplight that is activated by the use of the meter, size of the toplight and activation as prescribed by the director; (Class I)

29. Trade name and vehicle number marking as prescribed by the director; and

30. Other reasonable requirements as may be determined by the director.

B. All equipment must operate properly and all damage must be repaired. Replacement equipment shall meet manufacture's original specifications.

C. Taxicabs and for-hire vehicles shall be maintained following the service standards recommended by the vehicle manufacturer.

D. Maintenance and service records for all taxicabs and for-hire vehicles must be maintained by the vehicle owner for three years. The records shall be available for inspection by the director without notice during normal business hours.

E. A vehicle that has been in a collision and determined by the insurance adjuster to be total wreck or total loss shall not be repaired and placed back in service as a taxicab or for-hire vehicle until an approved mechanic facility with a current certification in structural analysis and damage repair has verified that there is no damage to the vehicle frame.

F. Each taxicab or for-hire vehicle owner shall ensure that the safety standards, conditions and requirements in this section are met and continually maintained.

G. Violations of this section that are determined by either a King County or a Seattle inspector to present a clear, substantial and imminent hazard to life, safety or property may result in a summary suspension of the vehicle license. (Ord. 17665 § 6, 2013: Ord. 10498 § 17, 1992).

6.64.380 Taxicab and for-hire vehicle license expiration. All taxicab and for-hire licenses shall expire on June 30 of each year. (Ord. 15263 § 13, 2005: Ord. 10498 § 18, 1992).

6.64.390 Taxicab and for-hire vehicle license plate. The director shall furnish with each taxicab or for-hire vehicle issued one or more plates, decals, or tags, bearing the taxicab or for-hire vehicle number, as assigned by the director, and the expiration year of the license. All plates, decals or tags shall remain the property of the director. (Ord. 10498 § 19, 1992).

6.64.400 Taximeter.

A. Each taxicab shall be equipped with a taximeter as prescribed by the director;

B. Every taximeter shall be installed at the right side of the driver, either adjoining the cowl or dashboard of the taxicab, and, except for special service vehicles, shall contain only one fare rate;

C. The reading face of the taximeter shall at all times be well lighted and distinctly readable to passengers;

D. Upon satisfactorily passing the meter inspection, a written notice shall be plainly posted and a security seal attached to the taximeter as prescribed by the director;

E. The taximeter shall conform to the requirements prescribed in Weights and Measures Handbook #44 as now or hereafter amended.

F. The taximeter must have the capacity of storing the following information:

1. Total trips;
2. Total paid miles;
3. Total miles operated;
4. Total number of fare units and/or fare dollars;
5. Total number and/or dollars for extras. (Ord. 10498 § 20, 1992).

6.64.410 Consumer information board. Each taxicab or for-hire vehicle shall be equipped with a consumer information board, the size, material and placement shall be prescribed by the director. The board shall include, at a minimum, the taxicab or for-hire vehicle name and number, the driver's for-hire driver's license number, the taxi hotline number and consumer survey and complaint cards. (Ord. 17665 § 7, 2013: Ord. 10498 § 21, 1990).

6.64.420 Taxicab and for-hire licensee - responsibilities (in effect until November 1, 2013). It is the responsibility of each taxicab or for-hire vehicle licensee to ensure that the following conditions or requirements are met and continually maintained:

A. Proof of insurance as required in K.C.C. 6.64.350 is on file with the director (Class M);

B. Any person driving, operating, in control of or any lessee of the taxicab or for-hire vehicle has been issued a for-hire driver's license and the license is valid (Class M);

C. The taxicab or for-hire vehicle meets the safety standards in K.C.C. 6.64.360 at all times the vehicle is operating (Class I or M);

D. The taxicab or for-hire vehicle meets the vehicle standards in K.C.C. 6.64.370 at all times the vehicle is operating (Class I or M);

E. The taxicab or for-hire vehicle owner shall maintain a business address and a mailing address where the owner can accept mail, and a business telephone in working order that can be answered during normal business hours, Monday through Friday, and during all hours of operation (Class I);

F. A wheelchair accessible taxicab licensee must personally operate the vehicle a minimum of forty hours per week for at least forty weeks per year (Class I): and

G. A for-hire driver shall have a valid King County taxicab or for-hire vehicle license to operate a taxicab or for-hire vehicle in the county. (Class I or M). (Ord. 17665 § 8, 2013: Ord. 15263 § 4, 2005: Ord. 10498 § 22, 1992).

6.64.420 Taxicab and for-hire licensee - responsibilities (takes effect November 1, 2013). It is the responsibility of each taxicab or for-hire vehicle licensee to ensure that the following conditions or requirements are met and continually maintained:

A. Proof of insurance as required in K.C.C. 6.64.350 is on file with the director (Class M);

B. Any person driving, operating, in control of or any lessee of the taxicab or for-hire vehicle has been issued a for-hire driver's license and the license is valid (Class M);

C. The taxicab or for-hire vehicle meets the safety standards in K.C.C. 6.64.360 at all times the vehicle is operating (Class I or M);

D. The taxicab or for-hire vehicle meets the vehicle standards in K.C.C. 6.64.370 at all times the vehicle is operating (Class I or M);

E. The taxicab or for-hire vehicle owner shall maintain a business address and a mailing address where he can accept mail, and a business telephone in working order that can be answered during normal business hours, Monday through Friday, and during all hours of operation (Class I);

F. A wheelchair accessible taxicab licensee must personally operate the vehicle a minimum of thirty hours per week for at least forty weeks per year (Class I); and

G. A for-hire driver shall have a valid King County taxicab or for-hire vehicle license to operate a taxicab or for-hire vehicle in the county. (Class I or M). (Ord. 17665 § 10, 2013: Ord. 17665 § 8, 2013: Ord. 15263 § 4, 2005: Ord. 10498 § 22, 1992).

6.64.430 Standards for denial - Taxicab or for-hire vehicle owner.

A. The director shall deny any taxicab or for-hire vehicle owner license application if the director determines that the applicant, or if a corporation, any of the officers or registered agent:

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

2. Fails to meet any of the applicant or vehicle requirements of a taxicab or for-hire vehicle owner licensee;

3. Has had a criminal conviction, bail forfeiture or other adverse finding for crimes pertaining to alcohol or controlled substances within five years of the date of application where such crime involved the use of a taxicab.

B. The director may deny any taxicab or for-hire vehicle owner license application if the director determines that the applicant:

1. Has had a criminal conviction, a bail forfeiture or other adverse finding involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to prostitution, gambling, fraud, larceny, extortion or income tax evasion, but only if such a criminal conviction, bail forfeiture or other adverse finding was within five years of the date of application;

2. Has been found, either through a criminal conviction, bail forfeiture or other adverse finding, including in a civil suit or administrative proceeding, or it has been proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or a crime, to have exhibited past conduct in driving or operating a taxicab or for-hire vehicle or operating a taxicab or for-hire business that would lead the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle; or

3. Engaged in the business of operating any taxicab or for-hire vehicle for which a license is required while unlicensed or while such license was suspended or revoked. (Ord. 17665 § 11, 2013: Ord. 10498 § 23, 1992).

6.64.440 Standards for suspension and revocation - taxicab or for-hire vehicle licensee (in effect until November 1, 2013).

A. A taxicab or for-hire vehicle owner's license shall be immediately suspended if:

1. At any time the insurance as required in K.C.C. 6.64.350 expires, lapses, is cancelled or is revoked;

2. The taximeter security seal is missing, broken or tampered with;

3. The director places the vehicle out-of-service for a violation of a vehicle standard that is found to be an immediate safety hazard and summary suspension is necessary to prevent a clear, substantial and imminent hazard to life, safety or property;

4. The vehicle owner fails to comply with a written notice of violation or notice of correction within the prescribed time; or

5. It is discovered after license issuance that the applicant or if the applicant is a corporation, any of the officers or registered agent, failed to meet the applicant qualifications or that the vehicle failed to meet the vehicle qualifications at the time the license was issued.

B. The director may suspend or revoke a taxicab or for-hire vehicle owner's license if the director determines that the licensee has:

1. Received a criminal conviction, a bail forfeiture or other adverse finding for a crime that would be grounds for denial as set forth in K.C.C. 6.64.430;

2. Been found to have exhibited a record that would lead the director to reasonably conclude that the taxicab or for-hire vehicle owner licensee would not comply with the provisions of the chapter related to vehicle standards or operating requirements;

3. Allowed the operation of a taxicab or for-hire vehicle that does not meet the safety standards and the vehicle standards as set forth in this chapter;

4. Submitted a safety inspection form that was not completed by an approved mechanic facility as defined in this chapter;

5. Provided false information in connection with the annual industry reporting required in this chapter; or

6. If licensed as a wheelchair accessible taxicab;

a. failed to personally operate the vehicle for a minimum of forty hours per week for at least forty weeks per year;

b. failed to provide priority service to private pay passengers in wheelchairs or other mobility devices; or

c. failed to comply with any of the requirements in the wheelchair accessible taxicab demonstration project operating agreement. (Ord. 17665 § 12, 2013: Ord. 15263 § 5, 2005: Ord. 10498 § 24, 1992).

6.64.440 Standards for suspension and revocation - taxicab or for-hire vehicle licensee (takes effect November 1, 2013).

A. A taxicab or for-hire vehicle owner's license shall be immediately suspended if:

1. At any time the insurance as required in K.C.C. 6.64.350 expires, lapses, is cancelled or is revoked;

2. The taximeter security seal is missing, broken or tampered with;

3. The director places the vehicle out-of-service for a violation of a vehicle standard that is found to be an immediate safety hazard and summary suspension is necessary to prevent a clear, substantial and imminent hazard to life, safety or property;

4. The vehicle owner fails to comply with a written notice of violation or notice of correction within the prescribed time; or

5. It is discovered after license issuance that the applicant or if the applicant is a corporation, any of the officers or registered agent, failed to meet the applicant qualifications or that the vehicle failed to meet the vehicle qualifications at the time the license was issued.

B. The director may suspend or revoke a taxicab or for-hire vehicle owner's license if the director determines that the licensee has:

1. Received a criminal conviction, a bail forfeiture or other adverse finding for a crime that would be grounds for denial as set forth in K.C.C. 6.64.430;

2. Been found to have exhibited a record that would lead the director to reasonably conclude that the taxicab or for-hire vehicle owner licensee would not comply with the provisions of the chapter related to vehicle standards or operating requirements;

3. Allowed the operation of a taxicab or for-hire vehicle that does not meet the safety standards and the vehicle standards as set forth in this chapter;

4. Submitted a safety inspection form that was not completed by an approved mechanic facility as defined in this chapter;

5. Provided false information in connection with the annual industry reporting required in this chapter; or

6. If licensed as a wheelchair accessible taxicab;

a. failed to personally operate the vehicle for a minimum of thirty hours per week for at least forty weeks per year;

b. failed to provide priority service to private pay passengers in wheelchairs or other mobility devices; or

c. failed to comply with any of the requirements in the wheelchair accessible taxicab demonstration project operating agreement. (Ord. 17665 § 14, 2013: Ord. 17665 § 12, 2013: Ord. 15263 § 5, 2005: Ord. 10498 § 24, 1992).

6.64.450 Destruction, replacement, retirement of a taxicab.

A. The taxicab vehicle owner shall notify the director within five working days whenever a taxicab is destroyed, rendered permanently inoperable, or is sold.

B. A replacement vehicle must be placed in service within sixty days of the date the original vehicle is removed from service unless prior written permission has been obtained from the director. It is the intent of this section that the director in granting such permission gives due consideration to the operating situation of the permit holder on a case-by-case basis. The following guidelines are to be used in granting permission for a permit holder to take longer than sixty days in placing a replacement vehicle in service:

1. The licensee must submit a written request for an extension of time, stating the specific reason additional time is required and identifying a plan and timetable for placing the replacement vehicle in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted;

2. The plan and timetable submitted must reflect a reasonable approach for placing the vehicle in service within the shortest possible time frame;

3. An additional period of time not to exceed sixty calendar days may be granted to a permit holder in case of severe personal illness or other similar hardship;

4. An additional period of time not to exceed thirty calendar days may be granted to a licensee in case of extensive vehicle repairs or other similar reason;

5. No extensions will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees and normal maintenance and repairs of operating a taxicab vehicle;

6. No more than one extension in time will be granted for each vehicle permit during its license year.

C. When a permit holder permanently retires any taxicab vehicle from service and does not replace it within sixty days, the permit for each retired vehicle shall be considered abandoned and null and void. The permit holder shall immediately surrender each related taxicab plate to the director. Such abandoned permits may not be restored or transferred by any means. (Ord. 16695 § 3, 2009: Ord. 10498 § 25, 1992).

6.64.460 Surrender of vehicle license. When a vehicle has been placed out-of-service, or a taxicab or for-hire vehicle license has been suspended or revoked, the operation of the taxicab or for-hire vehicle must cease, and the vehicle license plate or decal and taxicab or for-hire vehicle license surrendered immediately to the director. (Class M) (Ord. 10498 § 26, 1992).

IV. FOR-HIRE DRIVER REQUIREMENTS AND STANDARDS

6.64.500 For-hire driver's license required. It is unlawful for any person to drive, be in control of, or operate a taxicab or for-hire vehicle in the unincorporated areas of King County without first having obtained a valid for-hire driver's license. (Class M) (Ord. 17665 § 15, 2013: Ord. 10498 § 27, 1992).

6.64.510 Application. The applicant shall file an application on a form furnished by the director, which shall be signed and sworn to by the applicant and shall include name, height, weight, color of hair and eyes, residence address, place and date of birth, social security number, Washington state driver's license number, aliases, criminal history information, whether or not the applicant has ever had a license suspended, revoked or denied and for what cause, medical certificate as required in K.C.C. 6.64.560 and such other information as may be reasonably required. (Ord. 17665 § 16, 2013: Ord. 10498 § 28, 1992).

6.64.520 Investigation. All applicants for a for-hire driver's license shall be referred for fingerprinting, and all applications shall be referred for a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check under RCW 36.01.300 to regulate the issuance of licenses of those engaged in the taxicab and for-hire occupations and activities. Information relating to the applicants' criminal history, including nonconviction data, shall be forwarded to the records and licensing services division for review. (Ord. 17665 § 17, 2013: Ord. 10680 § 1, 1992: Ord. 10498 § 29, 1992).

6.64.530 Qualifications. No person shall be issued a for-hire driver's license unless the person possesses the minimum following qualifications as further defined in this chapter:

A. Must be twenty-one years of age or older;

B. Must possess a valid state of Washington driver's license;

C. Must submit a physician's certification certifying the person's fitness as a for-hire driver upon initial application and every three years thereafter;

D. Must submit a letter from the taxicab vehicle owner that has been approved by the service organization, if applicable, that indicates which taxicab or taxicabs the applicant is authorized to operate;

E. Must have completed a training program offered or approved by the director;

F. Must successfully complete a written exam as further defined in this chapter;

G. Must present documentation, as required by the United States Department of Homeland Security's Citizenship and Immigration Services Agency, that the applicant is authorized to work in the United States. (Ord. 17665 § 18, 2013: Ord. 10498 § 30, 1992).

6.64.540 Temporary permit.

A. Upon application for a for-hire driver's license and successful completion of the written and oral examination, the director may, at his or her discretion, issue a temporary permit, which shall entitle the applicant to operate a taxicab or for-hire vehicle pending final action upon the applicant's application for a period not to exceed sixty days from the date of the application.

B. The temporary permit shall not be transferable or assignable and shall be valid only for the taxicab or taxicabs or for-hire vehicle or vehicles to which the permit was originally issued.

C. The temporary permit shall be immediately null and void should at any time the applicant's Washington state driver's license become expired, suspended or revoked, or following the denial of an application. The permit shall remain null and void pending the resolution of any appeal as provided.

D. In cases where the applicant fails to complete the license issuance process, a temporary license will not be issued, unless the incomplete license application was filed at least two years preceding the application under consideration. (Ord. 15263 § 6, 2005: Ord. 10498 § 31, 1992).

6.64.550 Application null and void. All applications for for-hire driver's licenses shall become null and void after sixty days from the date of filing if the applicant, for any reason, fails or neglects to complete the application process or obtain a license. (Ord. 10498 § 32, 1992).

6.64.560 Medical certification.

A. The medical certification examination required under K.C.C. 6.64.530 shall be performed by a licensed physician who shall certify the applicant's fitness as a for-hire driver.

B. The scope of the examination and the certificate form shall be prescribed by the director.

C. The examination shall be required upon initial application, and every three years thereafter; provided, however, the director may at any time at his discretion require any for-hire licensee or applicant to be re-examined if it appears that the licensee has become physically or mentally incapacitated to a degree so as to render the applicant or licensee unfit for a for-hire driver. (Ord. 10498 § 33, 1992).

6.64.570 Training program.

A. All for-hire driver applicants are required to complete a training program providing information about the history and geography of the Puget Sound area, defensive driving, use of emergency procedures and equipment for the driver's personal safety, and enhancement of driver/passenger relations, appearance and communication skills.

B. The training shall be required upon initial application. Every three years thereafter, the applicant shall be required to complete a refresher course that covers, at a minimum, driver personal safety.

C. The director shall assure that this training is offered by the county or offered by another public or private entity, or offered by both. If training offered by a noncounty entity, certification for purposes of obtaining or renewing a license pursuant to this chapter is contingent upon the director's approval that contents and training staff capability are equivalent to what would be provided through the county.

D. A for-hire driver who operates a wheelchair accessible taxicab must successfully complete a separate training program for the special needs of passengers in wheelchairs including, but not limited to, loading and tie-down procedures and door-to-door service. (Ord. 15263 § 7, 2005: Ord. 10498 § 34, 1992).

6.64.580 Written and oral examination.

A. An applicant for an initial for-hire license shall be required to successfully complete a written and oral examination. Existing for-hire driver licensees who have not completed the written oral examination are required to do so at the time the for-hire license is renewed.

B. The written examination shall test the applicant's knowledge of the chapter requirements dealing with fare determination, driver-passenger relations, conduct including the applicant's ability to understand oral and written directions in the English language, vehicle safety requirements and driver regulations, risk factors for crimes against for-hire drivers, emergency procedures and taxicab equipment for driver's personal safety. The written examination shall also test the applicant's geographical knowledge of King County and surrounding areas and local public and tourist destinations and attractions. The director shall prescribe the content of the examination.

C. The oral examination shall test the applicant's ability to speak and understand English sufficiently to perform the responsibilities of a for-hire driver. A certified diploma from an accredited secondary or post-secondary institution located in the United States or a country where English is the primary language spoken may waive the oral test requirement. The written examination is not required for the renewal of a for-hire driver's license unless the applicant's license has remained expired for more than one year. (Ord. 17665 § 19, 2013: Ord. 15263 § 8, 2005: Ord. 10498 § 35, 1992).

6.64.590 Driving record. Each applicant for a for-hire driver's license shall authorize the director to obtain a current copy of his driving record from the Washington State Department of Licensing. (Ord. 10498 § 36, 1992).

6.64.595 Form of license - determined by director - display. The taxicab and for-hire vehicle for-hire driver's license shall be in form as determined by the director and a copy shall be displayed approximately five and one-half inches in height and eight and one-half inches in length and shall be contained under a sealed transparent cover, in such a manner that the contents cannot be altered or substituted, placed inside each taxicab in such a location that the license is clearly visible from the passenger compartment at all times that the licensee is operating, driving or using the vehicle. (Ord. 17665 § 20, 2013).

6.64.600 Standards for denial of a license – for-hire driver. For a person holding a for-hire license on or for a person applying for a for-hire license:

A. The director shall deny any for-hire driver license renewal or application if the director determines that the applicant:

1. Has made any material misstatement or omission in the application for a license;
2. Fails to meet any of the qualifications of a for-hire driver;
3. Has had a criminal conviction, a bail forfeiture or other adverse finding for a crime pertaining to hit-and-run, reckless driving, attempting to elude an officer by using a vehicle, vehicular assault, vehicular homicide, reckless endangerment or driving under the influence of alcohol or a controlled substance, or has been found to be a habitual traffic offender within five years of the date of application;
4. Is required to register as a sex offender; or
5. Has been convicted of a sex offense or kidnapping offense against a minor.

B. The director may deny any for-hire driver license application if the director determines that the applicant:

1. Has had a criminal conviction, a bail forfeiture or other adverse finding involving a crime pertaining to prostitution, gambling, physical violence or other crimes reasonably related to the applicant's honesty and integrity, including but not limited to fraud, larceny, burglary or extortion or reasonably related to the person's ability to operate a taxicab, if the conviction, bail forfeiture or other adverse finding was within five years of the date of application;
2. Has been found either through a criminal conviction, bail forfeiture or other adverse finding, including in a civil suit or administrative proceeding, or has been proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or a crime, to have exhibited past conduct in driving or operating a taxicab that would lead the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to driver and operator conduct and the safe operation of the vehicle;
3. Has been found either through a criminal conviction, bail forfeiture, or other adverse finding, including in a civil suit or administrative proceeding, or has been proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or a crime, to have exhibited a past driving record that would lead the director to reasonably conclude that the applicant would not operate the taxicab or for-hire vehicle in a safe manner; or
4. Has a felony conviction or other adverse finding related to a felony under the laws of Washington or another state, or under federal law. (Ord. 17665 § 21, 2013: Ord. 13984 § 1, 2000: Ord. 10498 § 37, 1992).

6.64.610 Standards for suspension/revocation. For-hire driver.

A. A for-hire driver's license shall be immediately suspended and is null and void if:

1. At any time the driver's Washington state driver's license expires, is suspended or revoked;
2. It is discovered after license issuance that the driver fails to meet the qualifications of a for-hire driver; or
3. The driver is found to be in possession of controlled substances or alcohol while in control of or while operating any taxicab or for-hire vehicle;

B. The director may suspend or revoke a for-hire driver's license if the director determines that the licensee has:

1. Received a conviction or bail forfeiture or other adverse finding for a crime that would be grounds for denial as set forth in K.C.C. 6.64.600;

2. Failed to comply with the driver standards as set forth in this chapter; or

3. Been found to have exhibited a driving record that leads the director to reasonably conclude that the applicant would not operate a taxicab or for-hire vehicle in a safe manner. (Ord. 17665 § 22, 2013: Ord. 10498 § 38, 1992).

6.64.620 License issuance. The director may obtain such other information concerning the applicant's character, integrity, personal habits, past conduct and general qualifications as will show the applicant's ability and skill as a driver of a motor vehicle for hire and his honesty, integrity and character for the purposes of determining whether the applicant is a suitable person to drive a motor vehicle for hire. If the director is satisfied that the applicant for a for-hire driver's license possesses the qualifications and is a suitable person to drive a motor vehicle for hire under the provisions of this chapter, he shall issue him a for-hire driver's license. (Ord. 10498 § 39, 1992).

6.64.630 License expiration. For-hire driver. All for-hire driver's licenses shall expire one year from the date of application. (Ord. 10498 § 40, 1992).

6.64.640 For-hire driver operating standards. No driver shall operate a taxicab or for-hire vehicle in violation of any of the for-hire driver standards as set forth in this chapter. (Ord. 10498 § 41, 1992).

6.64.650 Vehicle safety standards.

A. A driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal, and other vehicle equipment to see that they are working properly. The driver shall also ensure that the state for-hire certificate, the county and/or city taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle. (Class I)

B. A driver shall maintain the interior and the exterior of the taxicab or the for-hire vehicle in a clean condition and good repair. (Class I)

C. A driver shall not transport more passengers than the number of seat belts available nor more luggage than the taxicab capacity will safely and legally allow. (Class I)

D. A driver shall not drive, be in control of or operate a taxicab or for-hire vehicle that does not meet the vehicle standards as set forth in this chapter. (Class I)

E. A driver shall allow the director to inspect the taxicab or for-hire vehicle at any reasonable time or place. (Class M) (Ord. 10498 §§ 42-46, 1992).

6.64.660 Conduct standards.

A. A driver shall neither drink any alcoholic beverage while on duty or eight hours before going on duty nor have in his or her possession an open or unsealed container of any alcoholic beverage (Class M).

B. A driver shall, at the end of each trip, check his or her vehicle for any article that is left behind by his or her passenger or passengers. The articles are to be reported as found property on the hotline number, as well as to the service organization, and the articles are to be returned to the service organization or affiliated representative at the end of the shift or sooner if possible. Unaffiliated taxicabs or for-hire vehicles shall deposit the articles at the records and licensing services division (Class M).

C. A driver shall have in his or her possession and posted as required in K.C.C. 6.64.595 a valid for-hire driver's license at any time he or she is driving, in control of or operating a taxicab or for-hire vehicle and the license shall be displayed as prescribed by the director (Class I).

D. A driver shall comply with any written notice of violation or notice of correction by the director including removal from service (Class M).

E. A driver shall not operate a taxicab or for-hire vehicle when the taxicab or for-hire vehicle has been placed out-of-service by order of the director (Class M).

F. A driver shall immediately surrender the vehicle license plate or decal to the director upon written notice that the vehicle is out-of-service (Class M).

G. A driver shall be in control of a taxicab or for-hire vehicle for neither more than twelve consecutive hours nor for more than twelve hours spread over a total of fifteen hours in any twenty-four-hour period. Thereafter, driver shall not drive any taxicab until eight consecutive hours have elapsed (Class I).

H. A driver shall not drive, operate or be in control of a taxicab or for-hire vehicle other than that designated on the driver’s temporary for-hire permit (Class I).

I. A driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the customer information board, as required under K.C.C. 6.64.410 is not present and contains the required information (Class I).

J. A driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and convenience of passengers (Class I).

K. A driver shall neither solicit for prostitution nor allow the vehicle to be used for such an unlawful purpose (Class M).

L. A driver shall not knowingly allow the taxicab or for-hire vehicle to be used for the illegal solicitation, transportation, sale or any other activity related to controlled substances (Class M).

M. A driver shall deposit all refuse appropriately and under no circumstances may litter (Class I).

N. A driver shall not use offensive language, expressions or gestures to any person while the driver is driving, operating or in control of a taxicab or for-hire vehicle (Class I).

O. A driver shall not operate a wheelchair accessible taxicab unless the driver has successfully completed the special training requirements in K.C.C. 6.64.570.

P. A driver shall not use a cell phone while a passenger is in the taxicab. (Ord. 17665 § 23, 2013: Ord. 15971 § 48, 2007: Ord. 15263 § 9, 2005: Ord. 10498 §§ 47 - 60, 1992).

6.64.670 Taxicab meter/rates standards.

A. A driver shall not operate a taxicab that has a taximeter that is not sealed, in good working order, or accurate. (Class M)

B. A driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. Beginning of a trip means the point where the passenger is seated and the forward motion of the vehicle begins. (Class I)

C. A driver shall assure that the meter reading is visible from a normal passenger position at all times. (Class I)

D. A driver shall not operate a taxicab or for-hire vehicle that does not have the rate posted as prescribed by the director. A driver shall confirm any allowable flat rates charged with the customer before beginning a trip. (Class I)

E. A driver shall not ask, demand or collect any rate or fare other than as specified on the meter, required by ordinance, or pursuant to special rates or contract rates. Contracts for agreement rates must be available for inspection by the director and retained by the taxicab or for-hire company for one year after the contract expiration date. (Class M)

F. A driver of either a taxicab or a for-hire vehicle shall complete tripsheets and shall show all trips in an accurate and legible manner as each trip occurs. (Class I)

G. A driver shall complete all items on tripsheets including:

1. Driver's name and for-hire license number;
2. Company name and vehicle name and number;
3. Vehicle for-hire license number;
4. Beginning and ending odometer reading;
5. Beginning and ending time of each shift worked;
6. Date, time, place or origin, and dismissal of each trip;
7. Fare collected;
8. Number of passengers;
9. "No shows"; and
10 Contract rates or special rates. (Class I)

H. A driver shall allow the director to inspect the daily trip sheet at any time while driving, in control of or operating a taxicab or for-hire vehicle. (Ord. 17665 § 24, 2013: Ord. 10498 §§ 61 - 68, 1992).

6.64.680 Driver-passenger relations standards.

A.1. A driver shall wear suitable clothes that are neat and clean and the driver shall be well groomed at all times while on duty. When wearing a costume a driver shall display a photograph of the driver dressed in the costume along with the driver's for-hire license.

2. For the purposes of this subsection:

a. “Neat and clean," as it relates to clothes, means that all clothing is clean, free from soil, grease and dirt and without unrepaired rips or tears; and

b. “Well groomed” refers to that state of personal hygiene, body cleanliness and absence of offensive body odor normally associated with bathing or showering on a regular basis (Class I).

B. A driver shall provide his or her customer with professional and courteous service at all times (Class I).

C. A driver shall not refuse a request for service because of the driver's position in line at a taxicab zone; a passenger may select any taxicab in line (Class M).

D. A driver shall at all times assist a passenger by placing luggage or packages that are under fifty pounds in and out of the taxicab or for-hire vehicle (Class I).

E. A driver shall not refuse to transport in the taxicab or for-hire vehicle:

1. Any passenger's wheelchair that can be folded and placed in either the passenger, driver or trunk compartment of the taxicab or for-hire vehicle;

2. An assist dog or guide dog to assist the disabled or handicapped; and

3. Groceries, packages or luggage when accompanied by a passenger (Class M).

F. A driver shall provide each passenger a receipt upon payment of the fare. The receipt shall accurately show the date and time, the amount of the fare, the taxicab name and number and the printed name and for-hire driver license number of the for-hire driver (Class I).

G. A driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route (Class M).

H. A driver shall not permit a non-fare-paying passenger, or pets, to ride in the taxicab or for-hire vehicle. Validly licensed trainees, when approved by the passenger, are exempt from this requirement (Class I).

I. A driver shall not refuse to transport any person except when:

1. The driver has already been dispatched on another call;

2. The passenger is acting in a disorderly, threatening or suspicious manner, or otherwise causes the driver to reasonably believe that the driver's health or safety, or that of others, may be endangered;

3. The passenger cannot, upon request, show ability to pay fare; or

4. The passenger refuses to state a specific destination upon entering the taxicab (Class M).

J. A driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all passengers (Class I).

K. A driver shall be able to provide a reasonable and prudent amount of change, and if correct change is not available, no additional charge may be made to the passenger in attempting to secure the change (Class I).

L. If operating a wheelchair accessible taxicab, a driver shall provide priority service to private pay passengers in wheelchairs or other mobility devices. (Ord. 17665 § 25, 2013: Ord. 15263 § 10, 2005: Ord. 10498 §§ 69-79, 1992).

6.64.690 Soliciting and cruising standards.

A. A driver shall not cruise at Sea-Tac airport. (Class M)

B. A driver shall not drive, be in control of, or operate a taxicab or for-hire vehicle on the passenger or check-in drives at Sea-Tac airport without having on display a Port of Seattle authorized permit, when available for-hire. (Class I)

C. A driver shall not solicit on the Sea-Tac terminal drives or inside the airport terminal building. (Class I)

D. A driver may solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab or for-hire vehicle, and only when the vehicle is safely and legally parked. (Class I)

E. A driver shall not use any other person to solicit passengers. (Class I)

F. A driver shall not hold himself out for designated destinations, provided that nothing shall prevent use of long-haul and short-haul lines at the airport. (Class I) (Ord. 10498 §§ 80 - 85, 1992).

6.64.695 Taxi zone standards.

A. A driver while in a taxicab zone shall not leave the taxicab unattended for more than fifteen (15) minutes. Such vehicles are subject to impound by order of the director. (Class I)

B. A driver shall occupy a taxicab zone only when available for hire. (Class I)

C. A driver shall not perform engine maintenance or repairs on the taxicab while in a taxicab zone. (Class I) (Ord. 10498 §§ 86-88, 1992).

V. ENTRY STANDARDS AND RATES

6.64.700 Taxicab — maximum number.

A. The total number of taxicab licenses issued shall not exceed five hundred sixty-one. The director also shall deny issuance of new taxicab licenses from within the number of reverted licenses as specified by this section unless the director determines that there is demand for additional taxi service.

B. The following methodology shall be used to determine whether to issue new taxicab licenses:

1. The director shall periodically make a determination of the need for additional taxi service in areas served by King County licensed taxicabs. The sufficiency of wheelchair accessible taxi service at levels established in adopted policy shall be the primary consideration. One measure of sufficiency shall be whether wheelchair accessible taxicab response times for customers are approximately equal to response times for taxicabs that are not wheelchair accessible. Other factors to be considered for issuing new taxicab licenses include:

a. coordination with the city of Seattle's taxicab licensing and regulatory framework;

b. growth in population, tourists and other visitors to the area;

c. the quality of existing taxi service as indicated by response times and customer satisfaction;

d. the sales price of licenses; and

e. other indications of unmet demand;

2. Upon determining that a specific number of new taxicab licenses should be issued, the director may issue all or a portion of those licenses through a request for proposals process designed to test alternatives to the current local taxi industry model. King County should retain the ability to revoke, reallocate or recondition those licenses should the alternative model prove infeasible; and

3. All taxicab licenses not subject to a request for proposals process shall be issued by lot from a pool of applicants. The director shall then evaluate the qualifications of individuals selected by lot and issue licenses to those determined to be qualified.

C. All temporary taxicab licenses issued to wheelchair accessible taxicab vehicles for the purpose of a demonstration project under Ordinance 15263 expire June 30, 2010. The temporary licenses are nontransferable and shall not be included in calculating the maximum number of taxicab licenses allowable under subsection A. of this section.

D. The director may issue licenses for wheelchair accessible taxicabs. The director shall determine the number of wheelchair accessible taxicab licenses needed to serve the areas serviced by King County and may also coordinate with the city of Seattle to determine the number of wheelchair accessible taxicab licenses needed to provide service in areas serviced by both the city of Seattle and King County. Wheelchair accessible taxicab licenses shall not be included in calculating the maximum number of taxicab licenses allowed under subsection A. of this section but are subject to the process outlined in subsection B.1. of this section.

1. Except as otherwise provided in subsection D.2. of this section, the processes for issuing wheelchair accessible taxicab licenses is as follows:

a. Upon determining that a specific number of new wheelchair accessible taxicab licenses should be issued, the director may issue all or a portion of those licenses through a request for proposals. In any request for proposals, the director shall consider among other factors an applicant's driving record, driving experience, conduct record and qualifying experience transporting disabled individuals that require any type of mobility device including a manual or motorized wheelchair or other mobility device;

b. All wheelchair accessible taxicab licenses not subject to a request for proposals process shall be issued by lot from a pool of applicants. The director shall then evaluate the qualifications of individuals selected by lot and issue licenses to those determined to be qualified;

2. As an alternative to the process in subsection D.1. of this section, the director may coordinate the process to license wheelchair accessible taxicabs with the city of Seattle and is authorized to issue King County wheelchair accessible taxicab licenses to applicants selected by the city of Seattle to be issued wheelchair accessible taxicab licenses for the city of Seattle.

E. In order to test alternative ways of structuring taxi associations and the terms of taxicab license leases, the director may issue licenses on condition that the licensees make specific commitments or perform specific actions not generally required of other licensees. The director shall establish the special conditions through the administrative rule making process in accordance with K.C.C. chapter 2.98. The director may revise the conditions applied to such licenses or revoke and reissue the licenses upon determining that the conditions have not been met or that they will not achieve the objectives of the alternative being tested. (Ord. 16824 § 2, 2010: Ord. 15309 § 1, 2005: Ord. 15263 § 11, 2005: Ord. 10498 § 89, 1990).

6.64.710 Transfer or sale of license.

A. Transfer or sale of a license issued before January 1, 2006, to any other person is authorized, except that temporary wheelchair accessible taxicab licenses and all taxicab licenses issued after January 1, 2006, are nontransferable, except that all wheelchair accessible taxicab licenses issued in accordance with K.C.C. 6.64.700.D. are transferable after five years from the original date of license. Application for transfer of a license to another person shall include the name of the transferee, and the trade name and color scheme under which the vehicle will be operated, the sales price and other information required by the

director. The licensee selling the license and the individual purchasing the license must file an affidavit and bill of sale, signed by both parties, with the county records and licensing services division. The transferee shall comply with all requirements of this chapter. For taxicabs licensed by more than one jurisdiction, if the transfer is for one vehicle license only, the remaining taxicab license shall be considered abandoned, nonrenewable or nontransferable.

B. Unless suspended or revoked, a taxicab license may be renewed annually subject to timely payment of license fees and compliance with other relevant provisions of this chapter. (Ord. 16824 § 3, 2010: Ord. 15309 § 2, 2005: Ord. 15263 § 12, 2005: Ord. 10498 § 90, 1992).

6.64.720 Industry reporting.

A.1. The following information must be collected for each licensed taxicab:

a. total number of trips;
b. total paid miles;
c. total miles driven;
d. amount of fares collected and number of fare units.;
e. vehicle lease or rental income; and
f. costs, including:
(1) equipment depreciation;
(2) equipment purchases;
(3) repair and maintenance costs;
(4) fuel and oil costs;
(5) other supplies;
(6) leases and service contract costs;
(7) license fees and taxes;
(8) insurance;
(9) labor costs, which are driver salary paid or lessee income retained by lessee; and
(10) other relevant costs.

2. This information must be provided annually to the director on or before February 28 of each calendar year to cover the period from January 1 to December 31 of the prior year. Failure of an owner to report as required shall result in the owner being required to purchase and install a taximeter conforming to the requirements of K.C.C. 6.64.400 and may result in nonrenewal of the vehicle license. The taximeter shall be capable of issuing receipts to customers.

B. Information stored on meters as required in K.C.C. 6.64.400 shall be collected at official county or city taxicab testing stations a minimum of two times per year. Other information required to be reported under this section shall be reported in a manner established by the director.

C. The director may verify operating cost information reported by the industry as required in this section of this chapter through special audits performed on a random sample basis. Failure to submit information required for a special audit to document the costs reported under this section of this chapter within two weeks of the director's request shall result in the owner being required to purchase and install a taximeter conforming to the requirements of K.C.C. 6.64.400. The taximeter shall be capable of issuing receipts to customers.

D. Providing data verified to be false is grounds for the suspension or revocation of the license. (Ord. 17665 § 26, 2013: Ord. 10498 § 91, 1992).

6.64.730 Response times. The director shall establish a schedule of optimum average taxicab response times to requests for taxicab service at selected points within the county. The director shall periodically thereafter survey actual taxicab response times. A comparison of average actual response times to the optimum average taxicab response times shall be used as an indicator of taxicab industry performance and may be used as one criterion in evaluating and recommending rate and entry changes. The director shall publish a draft report of the optimum response times and shall provide a ten-day comment period on the schedule before finalizing the schedule. Comments received by the director shall be included in the annual report submitted to the council pursuant to K.C.C. 6.64.750. (Ord. 10498 § 92, 1992).

6.64.740 Annual report.

A. On or before April 30 of each year, the director shall file an annual report with the King County council based upon data, collected in accordance with K.C.C. 6.64.730 for the period of January 1 through December 31 of the preceding calendar year.

B. The reports shall include but not be limited to the following:

1. Number of taxicabs licensed in King County [only]*, in Seattle only and in both King County and Seattle during the reporting period and during the preceding year;

2. Number of drivers licensed in King County only, Seattle only and in both King County and Seattle during the reporting period and during the preceding year;

3. Numbers and nature of complaints;

4. Results of a survey of taxicab response times, changes in response times from previous reporting periods, and relationship of the actual response times to the optimum average response time established by the director under K.C.C. 6.64.760;

5. Results of annual industry reporting including total net profit as reported;

6. Results of meter readings as required in K.C.C. 6.64.720; and

7. Any other recommendations deemed appropriate by the director. (Ord. 17665 § 27, 2013: Ord. 10498 § 93, 1992).

***Reviser's note: Added but not underlined in Ordinance 17665. See K.C.C. 1.24.075.**

6.64.750 Determination of fares and number of licenses. King County finds and declares that fair and reasonable rates for the taxi industry should be established in the public interest and measured in terms of the taxi industry's need for revenue and the need for adequate service provided to the public as reflected by taxi service response times and other factors affecting the public's safety and welfare. (Ord. 10498 § 94, 1992).

6.64.760 Rates.

A. The rates for taxicabs licensed to operate in King County shall be established by the King County council.

B. In reviewing rates, the council may take into account, among other things, and with the objective of prescribing a just and reasonable rate, the following factors:

1. The recommendations of the director pursuant to K.C.C. 6.64.740, if any;

2. The public need for adequate taxi service at the lowest level of charges consistent with the provision, maintenance and continuation of such a service;

3. The rates of other licensees operating in similar areas;

4. The effect of such rates upon transportation of passengers by other modes of transportation;

5. The licensee's need for revenue of a level that under honest, efficient and economical management is sufficient to cover the cost, including all operating expenses, depreciation accruals, rents, license fees and taxes of every kind, of providing adequate taxi service, plus an amount equal to a percentage of the cost that is reasonably necessary for the replacement of deteriorated taxicabs and a reasonable profit to the licensee; and

6. Consistency of rates with those prescribed by the city of Seattle.

C. Every taxicab service organization affiliated representative or vehicle licensee in the case of an independent owner shall file with the director rates to be charged for the services of affiliated taxicabs it operates. Affiliated taxicabs shall have no more than one rate filed for the service organization or group of taxicabs operating under the same trade name. No dual licensed taxicab shall have more than two rate[s] on its meter.

D. Except for special or contract rates as provided for in this chapter or any per trip fee established by the Port of Seattle and set forth in any operating agreement or tariff, or any toll or charge established for roads, bridges, tunnel or ferries, it shall be unlawful for anyone operating a taxicab licensed by King County to charge, demand or receive any greater or lesser rate than the following:

Meter rate

1.	Drop charge: For passengers for first 1/9 mile	$2.50
2.	Per mile: For each 1/9 mile or fraction thereof after the first 1/9 mile	$0.30
3.	For every one minute of waiting time: Waiting time rates are charged when taxicab speed is less than twelve miles per hour or when customer asks for taxicab to wait	$0.50 (charged at $0.30 per 36 seconds)
4.	Extra charge for passengers over two persons, excluding children under twelve years of age	$0.50

E. Special rates and contract rates as defined in this chapter shall be calculated as a percentage of the meter rate or a fixed dollar amount per trip.

1. All special rates must be filed with the director on forms furnished by the director.

2. All meter rates, special rates or contract rates shall be filed once a year at the time of application by the affiliated representative of a service company or by the vehicle licensee in the case of an independent owner.

3. Licensees may change any special rate filed no more than once a year.

4. Rates for new contracts acquired or changed during the license year shall be filed within two weeks of filing the contract and before implementing the contracted rate. Contracts must be between taxicab service organizations or owners and legal business entities.

F. Every for-hire vehicle licensee shall, before commencing operating, file all rates and charges with the director. All rates and charges shall be conspicuously displayed inside the for-hire vehicle so as to be readily viewed by the passenger. The manner of posting shall be prescribed by the director.

G. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written contract that establishes a fare at a different rate for specified transportation and that has been previously filed with the director. No contract may include any provision that directly or indirectly requires exclusive use of the transportation services of the contracting taxicab vehicle.

H. It is unlawful to make any discriminatory charges to any person, or to make any rebate or in any manner reduce the charge to any person, unless the charge conforms to the discounts or surcharges contained in the filed rates.

I. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate that is different from the taxicab rates adopted in subsection D. of this section, except in those instances where the transportation of disabled persons is pursuant to a written contract as specified in subsection G. of this section.

J. The director shall specify by rule how tolls or charges established for roads, bridges, tunnels or ferries shall be charged to taxicab or for-hire vehicle passengers and shall prescribe required signage for the vehicles for such purposes. (Ord. 17404 § 3, 2012: Ord. 16234 § 1, 2008: Ord. 15132 § 1, 2005: Ord. 10498 § 95, 1992).

6.64.770 Rate study. The director shall study the effects of rates and their impact on income of drivers, owners, and service companies, the effects of any rate increases on lease costs to drivers, study the varying markets and rate structures for service companies and independent operators, and study the scarcity or monopoly value of license. Such information shall be forwarded to the council by April 1, 1994. (Ord. 10498 § 96, 1992).

VI. PENALTIES

6.64.800 Infraction. Violation of any provisions identified in this chapter as a (Class I) shall be designated as an infraction. Any person cited for an infraction shall be subject to the Justice Court Rules of Procedures. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed $1,000.00. A finding that an infraction has been committed shall not give rise to any other legal disability which is based upon conviction of a crime. (Ord. 10498 § 97, 1992).

6.64.810 Misdemeanors. Violation of any of the provisions identified in this chapter as a (Class M) shall be designated as a misdemeanor and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 90 days, or both. (Ord. 10498 § 98, 1992).

6.64.820 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed $1,000 per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 10498 § 99, 1992).

VII MISCELLANEOUS

6.64.900 Consumer complaint hotline. The director may establish, in conjunction with the City of Seattle and the Port of Seattle, a shared consumer complaint telephone number and complaint process. (Ord. 10498 § 100, 1992).

6.64.910 Passenger complaint process.

A. Upon receiving a written complaint involving the conduct of the for-hire driver, the route of transportation, the rate charged for the transportation, passenger injury or property damage not arising from a vehicle accident, the director shall cause the following to be performed:

1. Issue a Notice of Complaint to the for-hire driver and vehicle owner, and company, if applicable, advising such person of the allegation(s) made in the complaint;

2. Require the for-hire driver, vehicle owner, and company if applicable, to respond, in writing, to the allegation(s) in the Notice of Complaint within ten days of receipt of the Notice of Complaint;

3. Investigate the allegation(s) in the written complaint and the response submitted by the for-hire driver, vehicle owner, and company, if applicable;

4. Make a finding as to the validity of the allegation(s) in the written complaint. If it is found to be a valid complaint the director shall issue a Notice and Order pursuant to the process described in K.C.C. 6.01.130.

B. Failure to respond, in writing, to a Notice of Complaint within ten days shall constitute a waiver of the for-hire driver's, vehicle owner's, and company's, if applicable, right to contest the allegation(s) in the written complaint and shall be prima facie evidence that the allegation(s) are valid.

C. Failure to comply with any Notice and Order issued as a result of the above process will result in the revocation of the license(s) involved. Such revocation will last one year from the date the license(s) is surrendered. (Ord. 10498 § 101, 1992).

6.64.920 Renewal of license, registration or permit - late penalty. A for-hire driver licensee shall secure a renewal no later than one month before the license expiration date. No license shall be renewed unless the licensee has paid in full all license fees due under this chapter.

A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than one working day after the expiration date of the license, registration or permit, as set forth in the respective resolution or ordinance establishing the expiration date of the license, registration or permit. The amount of the penalty is fixed as follows:

A. For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars, twenty percent of the required fee;

B. For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars, ten percent of the required fee; and

C. For a license, registration or permit requiring a fee of one thousand dollars or more, five percent of the required fee. (Ord. 17665 § 28, 2013: Ord. 10498 § 102, 1992).

6.68 THEATERS

Sections:

6.68.010 License required.
6.68.020 License fee - Term.
6.68.030 Transferring of license.
6.68.040 Renewal of license, registration or permit - Late penalty.
6.68.050 Application for license.
6.68.060 Penalty - Misdemeanor.
6.68.070 Civil penalty.
6.68.080 Additional enforcement.

6.68.010 License required. It is unlawful for any person to open, operate, conduct, manage, maintain or control any theater which is open to the public and which is located within the unincorporated areas of King County, Washington, without a valid and subsisting license to be known as a "theater license." (Res. 19610 § 1, 1959).

6.68.020 License Fee - Term. The fee for a theater license shall be one hundred dollars per screen per year, commencing May 1st and ending April 30th of each year, payable in advance to King County. (Ord. 10170 § 15, 1991: Res. 19610 § 2, 1959).

6.68.030 Transferring of license. No license issued under the provisions of this chapter shall be transferable or assignable, unless specifically authorized by the director. (Ord. 1888 Art. V § 67, 1974: Res. 19610 § 3, 1959).

6.68.040 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.68.050 Application for license. All applications for licenses under this chapter shall be made to the director. (Ord. 1888 Art. V § 68, 1974: Res. 19610 § 5, 1959).

6.68.060 Penalty - Misdemeanor. Any violation or failure to comply with the provisions of this chapter shall constitute a misdemeanor and shall be punishable as such. (Res. 19610 § 7, 1959).

6.68.070 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.68.080 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.72 TOBACCO VENDING MACHINES

Sections:

6.72.020 Definitions.
6.72.030 Prohibition.
6.72.040 Identification required.
6.72.050 License required.
6.72.060 Sanctions.
6.72.070 License application and issuance.
6.72.080 Fee.
6.72.090 Non-transferability.
6.72.100 Health warnings required.
6.72.110 Penalty for minors.

6.72.020 Definitions.

A. "Minor" means any individual who is less than 18 years old.

B. "Retailer" means any person, firm, association, company, partnership or corporation who operates a store, stand, booth, concession or other place at which sales are made to purchasers for consumption or use.

C. "Sales conducted in person" means payment for the purchase of the tobacco item is received directly and in person from the purchaser by the seller or his employee. Tobacco vending machines which are located in plain view of the seller or his employee and controlled by an electronic device activated by the seller or his or her employee, upon the buyer's presentation of acceptable identification as required in K.C.C. 6.72.040, shall be deemed "sales conducted in person."

D. "Tobacco vending machine" means and includes any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks or slugs. (Ord. 17420 § 13, 2012: Ord. 14199 § 122, 2001: Ord. 8659 § 2, 1988)

6.72.030 Prohibition. After February 1, 1989, tobacco vending machines or any other mechanism or method of retail sales of cigarettes or other tobacco products which do not require a sale to be conducted in person by the seller or agent of the seller are prohibited in unincorporated King County; provided that, this section shall not prohibit the installation and use of a tobacco vending machine by a proprietor, his agents or employees eighteen years or greater in:

A. Any premises or portion thereof to which access by minors is expressly prohibited by law, if, and only if, the tobacco vending machine is located fully within such premises from which minors are prohibited and not less than ten (10) feet from all entrance and/or exit ways; or

B. Commercial buildings or industrial plants or portions thereof where the public is expressly prohibited and where such machines are strictly for the use of employees therein; provided that, the area must be signed as not open to the public and no minor employees are usually admitted. (Ord. 8659 § 3, 1988).

6.72.040 Identification required. No retailer shall sell or permit to be sold cigarettes or other tobacco products to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as eighteen (18) years or greater unless the seller has some other conclusive basis for determining the buyer is over the age of eighteen (18) years.

In the event the seller does not request and examine identification from the purchaser, the seller shall be deemed to have not had "a conclusive basis" under this section if the purchaser is in fact a minor.

Identification shall be by means of an officially issued card accepted as proof of age for the sale of alcoholic beverages pursuant to RCW 66.16.040. (Ord. 8659 § 4, 1988)

6.72.050 License required. After February 1, 1989 it shall be unlawful for any retailer in unincorporated King County to sell cigarettes or any tobacco products unless that retailer first obtains and maintains a valid license from King County for each location where cigarette sales are conducted. The license shall be good for a three-year term if the licensee complies with the provisions of this chapter. The requirements of this section shall be superseded at any time a rule requiring a license for the retail sale of cigarettes and tobacco products with comparable sanctions for sales to minors has been adopted by the King County board of health. Compliance with the county board of health rule shall constitute compliance with this section. Unless otherwise specified, the general licensing provisions, contained in K.C.C. Chapter 6.01 shall apply to this license. (Ord. 8833, 1989: Ord. 8659 §§ 5-6, 1988).

6.72.060 Sanctions. A license shall be suspended by King County upon a finding, after notice and opportunity to be heard, that the licensee has failed to comply with any provision of this chapter as follows:

A. In the case of a first and single violation, the licensee shall be fined one hundred dollars and shall be given notification, in writing, of provisions for penalties to be levied in the event of additional or further violations; and

B. In the case of a second or two violations, the licensee shall be fined five-hundred dollars and the license shall be suspended for not less than 90 consecutive business days nor more than 6 months; and

C. In the case of three or more violations, the licensee shall be fined one thousand dollars and the license shall be revoked not less than nine months and no more than eighteen months from the date of revocation.

D. Each sale to a minor shall constitute a separate violation. (Ord. 8659 § 7, 1988).

6.72.070 License application and issuance.

A. Application for a tobacco retailers license shall be submitted in the name of the entity or person proposing to conduct retail tobacco sales on the business premise and shall be signed and notarized by such person or his agent. All applications shall be submitted on a form supplied by the director and contain the following information:

1. The name, home address, home telephone number, date and place of birth, and social security number of the applicant if the applicant is an individual;

2. The names, addresses, telephone numbers, and social security numbers of any partners or corporate officers;

3. The business name, address, and telephone number of each establishment where tobacco is retailed.

B. Upon receipt of an application for a tobacco retail license the director shall issue a license which must be prominently displayed at the location where tobacco retail sales are conducted. (Ord. 8659 § 8, 1988).

6.72.080 Fee. The fee for a three-year tobacco retailer's license is $210 for each tobacco retail location. (Ord. 8659 § 9, 1988).

6.72.090 Non-transferability. A tobacco retail license is nontransferable, except, if a tobacco retailer changes location, a new tobacco retail license will be issued for the new address upon receipt of an

application for change of location. The license will retain the same expiration date as that previously issued. (Ord. 8659 § 10, 1988).

6.72.100 Health warnings required. It is prohibited for a retailer to sell cigarettes not in a package provided by the manufacturer with required health warnings. (Ord. 8659 § 11, 1988).

6.72.110 Penalty for minors.

A. Minors are prohibited from purchasing tobacco products. Purchase by a minor of tobacco products is hereby designated an infraction.

1. In the case of a ruling that a first infraction was found to have been committed by a minor purchaser, the minor shall be required to perform up to ten hours of community service.

2. In the case of a ruling that a second or two infractions were found to have been committed by a minor purchaser, the minor purchaser shall be required to perform a minimum of fifteen hours community service.

3. In the case of a ruling that three or more infractions were found to have been committed by a minor purchaser, the minor purchaser shall be required to perform a minimum of twenty-five hours community service.

B. Smoking cessation classes can be ordered in addition to or in lieu of the community service for violations.

C. Each purchase by a minor shall constitute a separate violation. (Ord. 8659 § 13, 1988).

6.76 CHARITABLE SOLICITATIONS

Sections:

6.76.010 Definitions.
6.76.020 Soliciting for private needs prohibited.
6.76.030 Permit - Required - Exemptions.
6.76.040 Permit - Application - Contents.
6.76.050 Permit - Application - Investigation.
6.76.060 Permit - Application - State registration in lieu of.
6.76.070 Permit - Issuance.
6.76.080 Permit - Fees.
6.76.090 Permit - Term.
6.76.100 Credentials.
6.76.110 Permit - Expiration - Return.
6.76.120 Written receipts required.
6.76.130 Renewal of license, registration or permit - Late penalty.
6.76.140 Permit - Suspension or revocation - Notice to director of Public Safety.
6.76.150 Books and records of permit holders.
6.76.160 Financial report.
6.76.170 Religious solicitations - Certificate of registration - Required.
6.76.180 Religious solicitations - Certificate of registration - Regulations.
6.76.190 Fraudulent misrepresentation and misstatements prohibited.
6.76.200 Violation - Penalty.
6.76.210 Civil penalty.
6.76.220 Additional enforcement.

6.76.010 Definitions. The following words and terms, unless a different meaning clearly appears from the context, shall mean as follows:

A. "Charitable" means and includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported; provided, such term shall not include "religious" and "religion," which terms shall be given their commonly accepted definitions;

B. "Contributions" means and includes alms, food, clothing, money, credit, subscription, property, financial assistance or other thing of value and including any donations under the guise of a loan of money or property;

C. "Direct gift" means and includes an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return;

D. "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof;

E. "Promoter" means any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation, but shall not include either a bona fide full-time salaried officer or employee of a charitable organization whose salary or other compensation is not computed on funds raised or to be raised, or a temporary employee who is employed to contact volunteer workers by telephone but who may not himself solicit contributors directly;

F. "Sale and benefit affair" means and includes, but is not limited to, athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

G. "Solicit" and "solicitation" mean the request within the county directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose, and include:

1. Any oral or written request,

2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement of publication,

3. The making of any announcement to the press, by radio or television, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith,

4. The sale of, offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, subscription, ticket, admission, article or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious organization, association or person is used or referred to in any such appeal or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purpose.

A "solicitation" shall be deemed completed when made, whether or not the person making the same received any contribution or makes any sale referred to in this section. (Ord. 17420 § 14, 2012: Ord. 14199 § 123, 2001: Ord. 2053 § 1, 1974: Ord. 1603 § 1, 1973).

6.76.020 Soliciting for private needs prohibited. No person shall solicit contributions for himself in or upon any public street or public place in the county of King. (Ord. 1603 § 2, 1973).

6.76.030 Permit - Required - Exemptions. It is unlawful for any person to solicit contributions for any charitable purpose within the county of King without a "charitable solicitation permit" issued by the director authorizing such solicitation; provided, however, that the provisions of this section shall not apply to:

A. Solicitations by any organization operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies, meetings or services of any such organization;

B. Any charitable organization which does not solicit and collect contributions in this county in excess of two thousand five hundred dollars in any one year period all of such fund-raising functions are carried on by persons who are unpaid for their services. (Ord. 2053 § 2, 1603 § 3, 1973).

6.76.040 Permit - Application - Contents. An application for a charitable solicitation permit shall be made to the director upon forms provided by him. Such application shall be executed under oath by the applicant, and if a promoter is involved in the solicitation, he shall likewise execute under oath such application. The application shall be submitted to the director at least thirty days prior to the time at which the permit applied for shall become effective; provided, however, that the director may for good cause shown allow the application to be submitted less than thirty days prior to the effective date of the permit applied for. The application herein required shall contain the following information or, in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

A. The name and address or headquarters of the person applying for the permit;

B. If applicant is not an individual, the names and addresses of the applicant's principal officers and managers, and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of applicant's records;

C. If some organization other than the applicant is to be the beneficiary of the funds solicited hereunder and if that beneficiary organization's name will be used in the campaign of solicitation, there must be filed with the director a statement signed by the board of directors or other governing body of that beneficiary organization, authorizing the use of that organization's name in the solicitation campaign;

D. The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

E. The name and address of the person or persons by whom the receipts of such solicitation shall be disbursed;

F. The names, addresses and dates of birth of the person or persons who will be in direct charge of conducting the solicitation and the names and dates of birth of all promoters connected or to be connected with the proposed solicitation;

G. An outline of the method or methods to be used in conducting the solicitation and location of any telephone solicitation headquarters;

H. The time when such solicitations shall be made, giving the dates for the beginning and ending of such solicitations;

I. The amount of any wages, fees, commissions, salaries, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons;

J. A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of solicitation, and final distribution of the balance. This financial statement shall be submitted on a uniform reporting form provided by the director;

K. A detailed statement of the charitable work being done by the applicant within the county of King;

L. An itemization of the estimated cost of the solicitation;

M. A statement that the cost of the solicitation will not exceed twenty percent of the total gross amount to be raised by direct gifts, fifty-five percent of the total gross amount to be raised by sale and benefit affairs; and that in either case all wages, fees, commissions, salaries and emoluments paid or to be paid to all salesmen, solicitors, collectors, conductors and managers will not exceed twenty percent of the total gross amount collected;

N. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the county of King or by any department or officer thereof of solicitations made thereunder;

O. A statement that applicant, and if applicant is not an individual, its principal officers, and any promoter, has read and understands the provisions of this chapter;

P. Such other information as may be reasonably required by the director in order for him to determine the character of the applicant and/or promoters and agents and the kind and character of the proposed solicitation.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the director in writing thereof within twenty-four hours after such change. (Ord. 17-3 § 4, 1973).

6.76.050 Permit - Application - Investigation. The director shall examine all applications filed under Section 6.76.040 and shall make, or cause to be made, such further investigation of the application and the applicant as the director deems necessary. Upon request by the director, the applicant shall make available for inspection by the director, or any person designated as his representative for such purpose, all of the applicant's books, records and papers at any reasonable time before the permit is granted, during the time a permit is in effect, or after a permit has expired. (Ord. 1603 § 5, 1973).

6.76.060 Permit - Application - State registration in lieu of. Sections 6.76.040 and 6.76.050 shall not apply to any person who has fully complied with the laws of the state of Washington relating to charitable solicitation and has received a valid registration provided:

A. Such person furnishes a sworn statement that state law relating to charitable solicitation has been fully complied with and that the state registration is current and has not been revoked; and

B. Such person files with the director duplicate copies of all applications for registration, correspondence, instruments, documents and papers filed with the appropriate state officer or agency; and

C. Such person pays to the director the appropriate fees specified in Section 6.76.080; and

D. Such person does not use a method of solicitation or a promotional plan in violation of this chapter.

The director shall issue a charitable solicitation permit to any person who complies with this section. (Ord. 1603 § 6, 1973).

6.76.070 Permit - Issuance.

A. The director shall issue the permit provided for in Section 6.76.030 whenever he finds the following facts to exist:

1. That all of the statements made in application are true;

2. That the applicant and the officers of the organization on whose behalf charitable solicitations are to be made and all persons supervising the solicitations and any promoters connected therewith shall not, to the knowledge of the applicant and/or promoter, have had a record of arrest and conviction with any federal or state law enforcement agency involving misstatement, misrepresentation, deception or fraud;

3. That the control and supervision of the solicitation will be under responsible and reliable persons;

4. That the applicant (and if not an individual, the officers, agents or promoters) has not engaged in any fraudulent transactions or enterprises;

5. That the proposed solicitation will be conducted to finance the charitable cause described in the application, and not for purposes of private gain;

6. That the cost of raising the funds will not exceed twenty percent of the total gross amount to be raised by direct gifts, or fifty-five percent of the total gross amount to be raised by sale and benefit affairs; and that in either case all wages, fees, commissions, salaries or emoluments paid or to be paid to all salesmen, solicitors, collectors, conductors and managers will not exceed twenty percent of the total gross amount collected;

7. That the method or methods for solicitation outlined in the application do not include any of the following methods of solicitation:

a. Charitable solicitations by children under fourteen years of age where the children will be paid for such solicitation or retain a portion of the solicited funds. This prohibition shall not apply where both of the following exist:

(1) The children are members of the organization for whose benefit the solicitation is made and

(2) All funds so solicited, less permissible costs, shall be expended locally and solely for the direct benefit of children in such organization,

b. Delivery by mail or otherwise of any unordered merchandise,

c. Solicitation by means of coin or currency boxes or receptacles except:

(1) When each such box or receptacle shall be the responsibility of a bona fide member, agent or solicitor of the soliciting organization and

(2) When such responsible person shall be required to pick up each such box or receptacle at the end of the solicitation period

(3) When the use of such boxes and receptacles in the solicitation is expressly authorized by the director;

8. That the person or organization has tax-exempt status from the government of the United States.

B. The director may request the director of the Department of Public Safety to investigate the truth of the statements in the application and all other matters which tend to aid the director in determining whether to grant the permit. The director of the Department of Public Safety shall report to the director any reasons he may have for objecting to the granting of a permit.

C. The director is authorized to make and enforce rules and regulations, not inconsistent with the provisions of this chapter, and it is unlawful to violate or not to comply with any of the rules and regulations. All of such rules and regulations as promulgated by the director from time to time shall be reduced to writing and shall be made available to applicants under this chapter. (Ord. 2053 § 3, 1974: Ord. 1603 § 7, 1973).

6.76.080 Permit - Fees.

For charitable solicitation permit where no persons soliciting will be paid for such solicitation or retain a portion of solicited funds, excepting those charitable organizations employing bona fide full-time salaried officers or employees to supervise such solicitation: $40.00

For charitable solicitation permit where independent solicitors, promoters or professional fund-raising organizations will be paid or retain a portion of the solicited funds: $1,000.00

For filing appeal: $10.00

(Ord. 10170 § 16, 1991: Ord. 2053 § 4, 1974: Ord. 1603 § 8, 1973).

6.76.090 Permit - Term. All charitable solicitation permits issued under this chapter shall be dated and shall bear the name and address of the person to whom issued and of the organization on whose behalf solicitation may be done and shall be valid for one year from date of issue.

If an annual permit is applied for and denied, the applicant shall be entitled to a public hearing in the manner set forth in Section 6.76.130.
Such permits shall not be transferable and shall state that the same is not an endorsement by King County for the purpose of the solicitation or of the person making the same. (Ord. 2053 § 5, 1974: Ord. 1603 § 9, 1973).

6.76.100 Credentials. All persons to whom charitable solicitation permits have been issued shall furnish to each of their agents and solicitors credentials approved as to form by the director. Such credentials shall include the permit number, the name and telephone number of the permit holder, the purpose of the solicitation, the signature of the applicant, and the name, address and signature of the solicitor to whom such credentials are issued, and the period of time during which the solicitor is authorized to solicit on behalf of the permit holder. The director may authorize the use of the identification approved by the Director of the Department of Motor Vehicles for the state of Washington for any person or organization validly registered under the charitable solicitation law; provided the above information appears thereon. It is unlawful for any person to solicit under any such charitable solicitation permit without having in his possession the credentials required by this section. The credentials must be shown, upon request, to all persons solicited or to any police officer of King County or agent of the director. (Ord. 1603 § 10, 1973).

6.76.110 Permit - Expiration - Return. Any charitable solicitation permit shall be returned to the director within seven days of its date of expiration. (Ord. 1603 § 11, 1973).

6.76.120 Written receipts required. Any person receiving money or anything having a value of one dollar or more from any contributor under a solicitation made pursuant to a charitable solicitation permit shall, upon request, give to the contributor a written receipt signed by the solicitor showing plainly the name and permit number of the person under whose permit the solicitation is conducted, the date and the amount received; provided, however, that this section shall not apply to any contributions collected by means of a closed box or receptacle used in solicitation with the express approval of the director. (Ord. 1603 § 12, 1973).

6.76.130 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows:

For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee.

For a license, registration or permit requiring a fee of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee.

For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee. (Ord. 1888 Art. IV § 3, 1974).

6.76.140 Permit - Suspension or revocation - Notice to director of Public Safety. The director of the Department of Public Safety shall be notified by the director of the suspension or revocation of any charitable solicitation permit. (Ord. 1603 § 16, 1973).

6.76.150 Books and records of permit holders. Every person to whom a charitable solicitation permit has been issued under this chapter shall maintain a system of accounting whereby all contributions and all disbursements are entered upon the books or records of such person's treasurer or other financial officer. For each solicitation a separate folder containing all vouchers supporting the accounting and containing a record of all contributions and disbursements will be maintained and available for inspection by the director or his agent for a period of one year from the end of the period of solicitation. (Ord. 1603 § 17, 1973).

6.76.160 Financial report. Within thirty days after completing solicitation, the holder of a charitable solicitation permit shall furnish the director with a detailed financial report and statements showing the amount raised by solicitation under the permit, the amount expended in soliciting, including a detailed account of all wages, fees, commissions and expenses allowed or paid anyone in connection with such solicitation, and a statement of the disposition of the balance, and proof of such disposition shall be furnished the director on request. All moneys or things of value collected under such permit shall be reported. The financial report required by this section shall be submitted on a uniform form provided by the director. The

director shall keep the report available for inspection by the public; provided, however, the director may extend the time for filing of the report required by this section for an additional period of thirty days or longer upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder. Any charitable organization having a one year permit shall file with the director a copy of the independent certified audit of its financial books and records within ten days after the same has been obtained. (Ord. 1603 § 18, 1973).

6.76.170 Religious solicitations - Certificate of registration - Required.

A. No person shall solicit contributions for any religious purpose within King County without a certificate of registration issued by the director; provided, however, that the provisions of this section shall not apply to solicitations by any religious organization conducted among the members thereof by other officers or members voluntarily and without remuneration for making such solicitations, or to solicitations for or collections of contributions at the regular assemblies, meetings or services of such organizations. Application for a certificate shall be made to the director upon forms provided by him. Such application shall be sworn to or affirmed, and shall contain the following information, or in lieu thereof, a statement of the reason or reasons why such information cannot be furnished:

1. The name and local address or headquarters of the person applying for the certificate;
2. If applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of applicant's records;
3. The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;
4. The name and address of the person or persons by whom the receipts of such solicitation shall be disbursed;
5. The name and address of the person or persons who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation;
6. An outline of the method to be used in conducting the solicitation;
7. The time when such solicitation shall be made, giving the dates for the beginning and ending of such solicitations;
8. The estimated cost of the solicitation;
9. The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons;
10. A financial statement for the last preceding fiscal year of any funds solicited by the applicant for religious purposes from the public pursuant to a certificate of registration hereunder, said statements giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;
11. A detailed statement of the religious work being done by the applicant within King County;
12. A statement to the effect that the certificate will not be used or represented in any way as an endorsement by King County or by any department or officer thereof.

B. If, while any application is pending or during the term of any certificate granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the director in writing thereof within twenty-four hours after such change. (Ord. 1603 § 19, 1973).

6.76.180 Religious solicitations - Certificate of registration - Regulations. Upon receipt of such application, the director shall issue the applicant a certificate of registration. The certificate shall remain in force and effect for a period of six months after the issuance thereof, and shall be renewed upon the expiration of this period upon the filing of a new application as provided for in Section 6.76.190. Certificates of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued and a statement that the certificate does not constitute an endorsement by King County or by any of its departments or officers of the purpose or the person conducting the solicitation. All persons to whom certificates of registration have been issued shall furnish credentials to their agents and solicitors in the same manner and subject to the same conditions as set forth in Section 6.76.100 relating to credentials to solicit for charitable purposes. No person shall solicit under any such certificate of registration without such credentials in his possession, and such person shall, upon demand, present these credentials to any person solicited or to the director or his agent or to any police officer of King County. (Ord. 1603 § 20, 1973).

6.76.190 Fraudulent misrepresentation and misstatements prohibited. It is unlawful for any person to directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, misrepresentation, deception or fraud in connection with any solicitation of any

contribution for any purpose in the county of King or in any application or report filed in connection therewith. (Ord. 1603 § 21, 1973).

6.76.200 Violation - Penalty. Any person who willfully violates any of the provisions of Sections 6.76.010 through 6.76.190 is, upon conviction thereof, punishable by a fine of not more than two hundred fifty dollars or by imprisonment in the county jail for a term of not more than ninety days, or by both fine and imprisonment. (Ord. 1603 § 22, 1973).

6.76.210 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the director. The director, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title. (Ord. 1888 Art. IV § 1, 1974).

6.76.220 Additional enforcement. Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. (Ord. 1888 Art. IV § 2, 1974).

6.80 MARRIAGE LICENSES

Sections:

6.80.010 Fee.
6.80.020 Disposition of funds.

6.80.010 Fee. The fee for a marriage license, as authorized by RCW 26.04.160, 26.12.220, 36.18.010, 36.22.170 and 36.22.175, shall be $52.00. (Ord. 12919 § 1, 1997: Ord. 5220 § 1, 1980).

6.80.020 Disposition of funds. The county shall distribute the marriage license fees as follows. For each license sold:

A. King County fees

1. $8.00 - King County general fund (RCW 36.18.010);

2. $8.00 - King County family court fund (RCW 26.12.220), to be used to pay for expenses of family court under chapter 25.12 RCW;

3. $2.00 - King County records preservations fund (RCW 36.22.170, to be deposited in the recorder's operational and maintenance fund for ongoing preservation of historical documents;

4. $15.00 - King County family services fund (RCW 26.04.160), to be used to fund family services. Fees collected in K.C.C. 6.80.020A.1. through 6.80.020A.4. above shall be deposited in the same manner as other county funds and shall be maintained in a separate account; and

B. State of Washington fees:

1. $10.00 - State of Washington Displaced Homemaker program (RCW 36.18.010), to be transmitted monthly to the state treasurer and deposited in the state general fund for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

2. $5.00 - State of Washington Child Abuse program (RCW 36.18.010), to be transmitted monthly to the state treasurer for use and support of the prevention of child abuse and neglect activities;

3. $2.00 - State of Washington Records Preservation program (RCW 36.22.170), to be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in RCW 36.22.190 for ongoing preservation of historical documents of all county offices and departments; and

4. $2.00 - Surcharge for archives and records management (RCW 36.22.175), to be transmitted monthly to the state treasurer for deposit in the archives and records management account. (Ord. 15971 § 49, 2007: Ord. 12919 § 1-2, 1997: Ord. 5220 § 2, 1980).

6.84 SHOOTING RANGES

Sections:

6.84.020 Definitions.

6.84.030 License required.
6.84.040 Operating with a license prohibited.
6.84.050 Denial, suspension or revocation of license.
6.84.060 License fee.
6.84.070 License renewal.
6.84.080 Safety standards and specifications.
6.84.085 Liability.
6.84.090 Appeals.
6.84.095 Complaint process.

6.84.020 Definitions.

A. "Operator" means the operating license applicant, and any of its officers, directors, partners, or owners.

B. "Range" means any individual or group of firing positions for a specific shooting type.

C. "Range master" means a person or persons appointed by the operators of a shooting sports facility to oversee the safe discharge of shotguns, rifles, or handguns in accordance with the safety specifications of this chapter and any additional safety specifications which may be adopted by the operators of the shooting sports facility.

D. "Shooting sports facility" means a facility designed and specifically delineated for safe shooting practice with firearms. Archery ranges are specifically excluded from this definition.

E. "Shooting types" means rifle, handgun or shotgun shooting. (Ord. 12551 § 1, 1996: Ord. 11563 § 2, 1994, Ord. 11177 § 4, 1993).

6.84.030 License required. The operators of all existing shooting sports facilities shall apply for an operating license no later than April 9, 1994. The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. The application shall be made on a form prescribed by the manager of the records and licensing services division. The records and licensing services division is authorized to issue such a license after a determination that the application is accurate and complete, and includes a notarized certification by the shooting sports facility operator that the facility meets commonly accepted shooting facility safety and design practices and will be operated in a manner which protects the safety of the general public. The records and licensing services division shall base its licensing determination on the review and concurrence of the King County departments of public safety and permitting and environmental review or their designees. This section shall not relieve the applicant of any obligation to obtain any other required land use or building permits or approvals, except shooting sports facilities in operation before January 9, 1994, shall not be required to seek new land use or building permits solely for issuance of a license. (Ord. 17420 § 15, 2012: Ord. 15971 § 50, 2007: Ord. 12551 § 2, 1996: Ord. 11177 § 5, 1993).

6.84.040 Operating without a license prohibited. No shooting sports facility shall operate without a license issued pursuant to this chapter, provided, that shooting sports facilities in existence prior to January 9, 1994 that have submitted required license applications before this same date may continue to operate without a license pending license application approval or denial per K.C.C. 6.84.030. (Ord. 12551 § 3, 1996: Ord. 11563 § 3, 1994, Ord. 11177 § 6, 1993).

6.84.050 Denial, suspension or revocation of license. The manager of the records and licensing services division may deny, suspend or revoke any license issued under this chapter, consistent with K.C.C. chapter 6.01, if the applicant, any of its officers, directors, partners, or members have violated any of the provisions of this chapter. Further, if the sheriff determines that any participant, spectator, neighboring property or member of the public has been injured or endangered as a result of range design, operation or management of shooting activities, the manager of the records and licensing services division may immediately suspend or revoke any shooting sports facility license issued pursuant to this chapter. Reinstatement or re-issuance of any license suspended or revoked pursuant to the provisions of this chapter will be contingent on review and determination by the records and licensing services division or its designee that the range operator has made sufficient and appropriate modifications to the design or operation of the facility to reasonably address the specific deficiencies found to have contributed to the injury or endangerment. (Ord. 15971 § 51, 2007: Ord. 12551 § 4, 1996: Ord. 11177 § 7, 1993).

6.84.060 License fee. A license fee of fifty dollars shall be charged for review and processing of the license application. (Ord. 12551 § 6, 1996: Ord. 11177 § 8, 1993).

6.84.070 License renewal. The operating license shall be reviewed and renewed every five years. New shooting types shall not be permitted until authorized by a new license. Applications for

license renewal shall be made in writing on forms prescribed by the manager of the records and licensing services division at least thirty days prior to the expiration of the existing license. (Ord. 15971 § 52, 2007: Ord. 12551 § 7, 1996: Ord. 11177 § 9, 1993).

6.84.080 Safety standards and specifications. All shooting sports facilities licensed pursuant to this chapter shall comply with the following safety standards and specifications:

A. All structures, installations, operations, and activities shall be located at such a distance from property lines as will protect off-site properties from hazard, when the ranges are used in accordance with range safety rules and practices.

B. Range site design features and safety procedures shall be installed and maintained to discourage errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.

C. A plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backdrops or butts; and approximate location of buildings on adjoining properties.

D. A safety plan shall be submitted which cites rules for each range, sign-in procedures, and restrictions on activities in the use of ranges, and every safety plan shall prohibit loaded firearms except as provided by the range safety specifications and operating procedures.

E. All shooting sports facilities shall have a designated range master. A range master must be present whenever the shooting sports facility is open to the public and may oversee as many as three simultaneous public events within a shooting sports facility.

F. Where urban residentially zoned property or residential streets are located adjacent to property containing an outdoor shooting sports facility, warning signs shall be installed and maintained along the shooting sports facility property line.

G. Shooting sports facilities shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

H. The range operator shall report in writing to the manager of the records and licensing services division all on-site and off-site gunshot wounds resulting from activity at the shooting sports facility.

I. All shooting sports facilities shall provide a telephone available to range participants and spectators for the purpose of contacting emergency medical services.

J. A first-aid kit approved by the manager of the records and licensing services division shall be readily available at each shooting sports facility for emergency treatment or care of minor injuries. (Ord. 15971 § 53, 2007: Ord. 12551 § 8, 1996: Ord. 11177 § 10, 1993).

6.84.085 Liability. The express intent of the King County council is that responsibility for complete and accurate preparation of applications, plans and specifications for compliance with applicable laws, including but not limited to those set forth in this chapter, and for safe design, construction, use and operation of facilities regulated herein shall rest exclusively with applicants and their agents.

This chapter and the codes adopted herein are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular class of individuals or organizations.

This chapter shall not be construed as placing responsibility for code compliance or enforcement upon King County or any officer, employee or agent of King County. Application review and inspections conducted pursuant to this chapter are intended to foster and encourage compliance, but are not guarantees or assurances either that any design, construction, use or operation complies with applicable laws or that the facility is safely designed, constructed, used or operated.

Nothing in this chapter is intended to create any private right of action based upon noncompliance with any of the requirements of this chapter. (Ord. 12551 § 9, 1996: Ord. 11563 § 4, 1994).

6.84.090 Appeals. Any person aggrieved by a decision in a notice and order issued pursuant to King County Code 6.01.130 or by a license suspension or revocation issued pursuant to the provisions of this chapter, may file an appeal pursuant to King County Code 6.01.150. (Ord. 12551 § 10, 1996: Ord. 11177 § 11, 1993).

6.84.095 Complaint process.

A. Upon receiving a written complaint involving the operation or activities of any shooting sports facility, the manager of records and licensing services division shall cause the following to be performed:

1. Issue a notice of complaint to the shooting sports facility operator advising such person of the allegation(s) made in the complaint;

2. Request the shooting sports facility operator to respond, in writing, to the allegation(s) in the notice of complaint within thirty days of receipt of the notice of complaint;

3. Investigate the allegation or allegations in the written complaint and the response submitted by the shooting sports facility operator;

4. Make a finding as to the validity of the allegation or allegations in the written complaint. If it is found that violation of any of the shooting sports facility safety standards has occurred, issue a notice and order pursuant to the process described in K.C.C. 6.01.130.

B. Failure to comply with the notice and order issued as a result of the above process will result in the suspension and/or revocation of the license involved. Such a suspension/revocation will last one year from the date the license is surrendered.

C. Nothing in this section shall be construed to limit authority to issue a notice and order or take such enforcement or investigative actions deemed appropriate to protect the public's health and safety. (Ord. 15971 § 54, 2007: Ord. 12551 § 5, 1996).