

SUBTITLE 6B LICENSE CODE

Chapters:

6B.10 General License Provisions

6B.20 Annual Business License

6B.30 Adult Entertainment

6B.40 Alarm Devices

6B.50 *Repealed*

6B.60 Boilers – Engineer and Fireman Certificates

6B.70 Entertainment/Dancing – Liquor Served

6B.80 Entertainment/Dancing – No Liquor Served and Teenage Dance

6B.90 Fire Alarms and Fire Suppression Systems

6B.100 *Repealed*

6B.110 Garages, Fuel Stations and Marine Repair Facilities

6B.120 *Repealed*

6B.125 Hazardous Materials

6B.130 ~~Home Occupations~~ Residential Business

6B.140 Transient Accommodations

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Chapter 6B.10 GENERAL LICENSE PROVISIONS

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6B.10.030 License definitions

The following definitions apply to each section in this subtitle of the TMC:

“Annual business license” means a license for the privilege of doing business with the City or within the City as required by the provisions of Subtitle 6B of the TMC.

“Calendar year” means January 1 through December 31 of each year.

“Certificate of Complaint” is a document filed with the Pierce County Auditor, stating the property is in violation of Chapter 2.01 of the TMC

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

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

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

“Director” means the Director of the Finance Department of the City or the Director’s designee, which shall be an employee of the Finance Department.

“Engaging in business” shall be as defined in TMC 6A.30.

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

“Gross income” means the value proceeding or accruing by reason of the transaction of business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidence of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments, however designated, all without any deduction on account of the cost of tangible property sold,

the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued without any deduction on account of losses.

“Gross receipts” has the same meaning as gross income.

~~“Home-based business” means a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. The intent of this definition is to maintain consistency with home occupations as defined in Tacoma Municipal Code (“TMC”) 13.06.105, the City’s Zoning Code.~~

“In this City” or “within this City” includes all federal areas lying within the corporate city limits of the City.

“License” means any license required under the provisions of Subtitle 6B of the TMC.

“License certificate” means a non-transferable certificate issued by the Department required to be displayed at the place of business by all persons operating a business under the provisions of Title 6.

“License code” means Subtitle 6B of the TMC.

“License fee” means the amount charged by the City for the issuance of any license required under the provisions of Subtitle 6B. Regulatory license fees are intended solely to cover all costs of administering the required license.

“Licensee” means any person required to be licensed, ~~or~~ applying to be licensed or is licensed under Subtitle 6B.

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

“Mailing” or “mailed” shall mean sending the document by regular, first-class mail, postage prepaid and properly addressed to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed.

Where service is by mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

“Massage” or “Massage therapy” means a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

“Massage business” means the operation of a business where massages are given.

“Peddling” means the same as door-to-door sales.

“Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

“Public official” means any official designated by the City Manager, or designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.

“Records” means the books of accounts and other business-related records of a licensee subject to the City’s Tax Code or License Code. Such records include ledgers; subsidiary ledgers; invoices; receipts; registration and

incorporation documents; federal, state and local tax returns; and any other records necessary to establish the amounts due under the provisions of the TMC.

“Registration” or to “register” means an identification of real properties owned by a person, for which they use, or intend to use, as rental property.

“Residential business” has the same meaning as it is defined in TMC 13.01.060.R.

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

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

“Vendor” means any person who exhibits goods or services for sale for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

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6B.10.050 Separate licenses – When required – Rental business responsibilities.

A. A separate license shall be obtained for each branch, establishment, or separate location in which the business, calling, profession, trade, occupation, or activity licensed by this subtitle is carried on.

B. Each different business, calling, profession, trade, occupation, or activity carried on or device situated at any one location shall be described in detail on the application for business license.

C. Each license shall authorize the licensee to carry on, pursue, or conduct only that business, calling, profession, trade, occupation, or activity, or operate the device, vehicle, or thing described in such license, and only at the location or in the manner indicated therein, except as may be specifically provided in this chapter.

D. Any person renting or making available for rent to the public any dwelling unit is only required to obtain one license for all rental business activity conducted in the City, and 1) shall register each rental property with the City of Tacoma and include an agreement certifying that each dwelling unit on the rental property complies with RCW 59.18.060, as it exists or is hereinafter amended, and does not present conditions that endanger or impair the health and safety of the tenants, and 2) provide rental property information as determined by the Director including, but not limited to, rent amounts, property type and number of dwelling units on multi-unit properties.

E. Any person renting or making available for rent to the public any non-dwelling unit used for commercial purposes is only required to obtain one license for all rental business activity conducted in the City and shall provide a name and contact information of an agent located in Pierce County if the owner resides outside of the State of Washington.

F. It is the responsibility of a licensee engaging in rental business activity, to not allow or permit their tenant to continue illegal or hazardous conditions outlined under TMC 6B.10.145, or any applicable law, occurring on or in said property after being provided verbal or written notice of the illegal or hazardous condition by any public official. Violation of this section shall be a civil penalty as prescribed in TMC 6B.10.260.

6B.10.060 Application for license.

No license required hereunder shall be issued except upon application therefor made on forms prescribed by the City. Each application shall be accompanied by the license fee prescribed herein. The Director may require any ~~license applicant~~licensee to provide documentation as necessary to fully determine the status of ownership,

control and finances of that business. Upon approval of the application, the license shall be issued by the City and delivered to the applicant~~licensee~~.

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6B.10.090 Renewal of license – Late payment.

A. All licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities. No license may be issued as herein provided unless the licensee has paid in full all license fees and taxes due to the City.

B. Any licensee who shall fail to make payment on or prior to the due date of said license shall be subject to a penalty of 20 percent of the license fee.

C. Remittance that is transmitted to the City by United States mail shall be deemed filed or received on the date shown by the cancellation mark stamped by the Post Office upon the envelope containing it. The Director may allow electronic filing or telephonic filing of licenses or remittances from any licensee. Remittance which is transmitted to the City electronically or telephonically shall be deemed filed or received on the date submitted.

D. When a renewal license fee is not paid in full by the due date the City may close the account administratively. Any person engaging in business without a current license is subject to penalties as prescribed in this chapter.

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6B.10.115 Hours of operation – Massage.

All massage business locations or offices that offer massage therapy services, as defined by state law, shall not be open between 10:00 p.m. and 6:00 a.m. daily, provided that if a licensed massage business is physically located wholly within the premises of a larger business or location, including, but not limited to, such facilities as a salon, spa, hotel, or health care provider, then only the area where the massage business is conducted shall be closed to customers between 10:00 p.m. and 6:00 a.m. Operating a massage business between 10:00 p.m. and 6:00 a.m. is considered unlicensed business activity.

6B.10.140 Denial or revocation – Appeal.

A. Reasons for denial or revocation.

The Director may deny an application for a licensee, or revoke any license issued under, the provisions of Title 6 based on one or more of the following grounds:

1. The license application contained fraudulent or false representation of fact, including, but not limited to, the existence of owners who were not identified on the application.
2. The licensee has failed to comply with any provisions of this title.
3. The licensee has failed to comply with any provisions of the TMC related to the operation of the business or licensed activity.
4. The licensee is in default of any payment of any license fee or tax under Title 6.
5. The licensee or employee has been convicted of a crime involving the business or licensed activity.
6. The licensee is a minor under 18 years of age.
7. The licensee's regulatory license has been revoked.
8. The licensee is not qualified under any specific provision of this subtitle for a particular license for which application is made.
9. The Director has reasonable grounds to believe the licensee to be dishonest, desires such license to practice some illegal act or some act injurious to the public health or safety, or the continued conduct of the business or licensed activity for which the license was or would be issued will result in a danger to the public health, safety, or welfare.
10. The licensee, or the licensee's agents or employees, has committed a crime or other violation of law which bears a relationship to the conduct of the business or licensed activity under the license issued or that would be issued pursuant to this subtitle. The Director may consider any relevant violation of law regardless of whether the

same act was charged as a civil infraction or crime or resulted in a finding of committed or conviction or if it is deferred or subject to pretrial diversion or negotiated settlement, e.g. plea bargain. If a licensee appeals such a suspension, revocation, or denial of a license under this subsection, the violation must be proved by a preponderance of the evidence; provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.

11. The licensee, or the licensee's agents or employees, has in the conduct of the business or licensed activity violated, or the Director reasonably concludes the licensee will not comply with, any local, state, or federal law requirements relating to public health or safety. The Director may consider any relevant matter, including illegal activity associated with the licensee's operation of a current business or previously operated business, or the conduct of the licensee's patrons or employees, inside or outside a current or previously operated business, including tolerance of a public nuisance, for which the licensee can reasonably control or prevent.

12. The conduct of the business or licensed activity has resulted in the creation of a public nuisance as defined in the TMC or in state law.

13. The licensee or the property owner where the business is located is subject to a Chronic Nuisance action under TMC 8.30A.

14. The ~~applicant~~ or licensee has had a license revoked, denied, or suspended three times pursuant to Subtitle 6B or by any other administrative authority.

B. Application for new license after denial, revocation, or suspension.

If the City denies, revokes or suspends a license, the licensee or person in control of the business may not apply for an annual business license within 12 months after the denial, revocation, or suspension unless it was due to:

1. the applicant-licensee being a minor,
2. a violation of a regulatory license in Subtitle 6B, and the violation has since been remedied,
3. nonpayment of taxes or license fees pursuant to Title 6 that have since been paid, or
4. not having a required local, state, or federal license, but which has since been obtained.

C. A licensee may not circumvent the provisions of this chapter by applying for a license in the name of a spouse, relative, or other person, or by using shell business entities. The Director may require any license applicant to provide documentation as necessary to fully determine the status of ownership, control, and finances of that business.

D. If a license is revoked or suspended due to the licensee, or the licensee's agents or employees, committing a violation of Chapter 8.190 TMC – Drug Crimes, in relationship to the conduct of the business under the license issued pursuant to this subtitle, the following procedures will be followed.

1. For a first violation of Chapter 8.190 TMC, the license ~~of the owner~~ shall be suspended for 30 days. During this 30-day period, the ~~owner-licensee~~ shall cease all activity related to that license. At the end of the 30-day period, the license may be reinstated, provided that the licensee refrains from violating Chapter 8.190 TMC or other provisions of law and complies with all other legal requirements. The 30-day period shall run from the date of suspension unless a timely appeal is filed. In the event a timely appeal is filed but ultimately denied, the 30-day period shall begin to run the day after all appellate remedies have been exhausted.

2. If a licensee engages in business activity during any period of suspension or subsequently violates TMC 8.190 at any time after a first violation, the license shall be revoked for a period of one year. The one-year period shall run from the date of revocation unless a timely appeal is filed. In the event a timely appeal is filed but ultimately denied, the one-year period shall begin to run the day after all appellate remedies have been exhausted. The licensee shall not be eligible for any license from the City of Tacoma during this period. At the end of the one-year period, the licensee may apply for a new license, provided that the licensee complies with all requirements for such a license.

3. Second revocation of license. If a license is revoked for a second time due to a violation of Chapter 8.190 TMC, the licensee shall never be eligible for any license to conduct or manage any business ~~or~~ activity in the City of Tacoma.

E. Notice.

1. The Director shall notify such licensee in writing by ~~first-class-mailing~~ or hand delivery of the denial or revocation of the license and the grounds therefor.
2. Denial of a license application under this subsection shall take effect immediately upon the mailing or hand delivery of the denial notice, as if no license was issued.
3. Revocation of a license issued shall not take effect until ten days after the mailing or hand delivery of the revocation notice and, if appeal is taken as outlined, the revocation shall be stayed pending final action by the Hearing Examiner. A licensee shall surrender all licenses issued by the City on the effective date of such revocation.

F. Conditional License.

The Director has the discretion to issue a conditional license after a license has been revoked or denied, if the Director reasonably concludes the licensee is likely able to operate the business in compliance with local and state laws, and if the licensee agrees to comply with conditions imposed by the City.

1. The conditions imposed must be directed at remedying the violations in this subsection or taking proactive measures to prevent the violations from occurring in the future.
2. The term of the conditional license will start on the date of the Conditional License through December 31st of the same year.
3. Prior to December 31st, the Conditional License will be reviewed and may be extended into the following calendar year if the Director determines the conditions of the license need to continue to protect public health, safety or welfare.
4. The licensee may appeal the conditions as provided in subsection G below. If the licensee fails to comply with the imposed conditions, the Director may revoke the license.

G. Appeal.

Any licensee may, within ten days from the date that the denial, revocation, or conditional license notice was ~~mailed, or hand~~ delivered to the licensee, appeal such notice by filing a written notice of appeal setting forth the grounds of the appeal with the City Clerk. The hearing shall be conducted in accordance with the procedures for hearings as set forth in TMC 1.23. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing, the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the denial, revocation, or conditional license, or reinstate the license, and may impose any conditions upon the continuance of the license.

The decision of the Hearing Examiner shall be final. The licensee or the Director may seek review of the decision by the Superior Court of Washington in and for Pierce County within 21 days from the date of the Hearing Examiner's decision. If review is sought as herein prescribed, a revocation shall be stayed pending final action by the Superior Court.

6B.10.145 – Summary Suspension – Appeal.

A. The Director or public official in charge is authorized to immediately stop hazardous conditions ~~that are in violation of the TMC~~, up to and including closing the business operation. At the order of the public official, occupants shall be required to immediately vacate the building and cease all business activity at the site. Such order and demand may be oral or written. A notice that the business is closed will be posted by a public official on all entrances to the premises. Failure to comply with the orders of the Director or public~~City of Tacoma~~ official is a misdemeanor.

B. Such hazardous conditions may include but ~~may~~ not be limited to:

1. Conditions that exist that ~~the Director or public official determine to be deemed~~ hazardous to life or property or in violation of TMC Chapter 8 that are hazardous to public health and safety while engaging in business activity.

2. The ~~owner or owner's~~ licensee or the licensee's employee or agent has knowingly permitted a violation:

- a. of the Uniform Controlled Substances Act;
- b. of any law against gambling;
- c. of any law against sales or distribution of firearms and dangerous weapons; or
- d. of any law against prostitution ~~within at~~ the licensee's business location.

3. Unlicensed ~~operations-business activity~~ or unlawful occupancy.

4. Denial of entry for business license inspection.

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6B.10.160 Refund of license fee.

A. Revocation.

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

B. License application withdrawn.

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

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E. Appeal.

The decision of the Director shall be final. The licensee may, within ten days from the date ~~of~~ the Director's decision was mailed, or hand delivered, appeal such suspension by filing a written notice of appeal setting forth the grounds of the appeal with the City Clerk. The hearing shall be conducted in accordance with the procedures for hearings as set forth in TMC 1.23. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon, the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the summary suspension and reinstate the license, and may impose any terms upon the continuance of the license.

The decision of the Hearing Examiner shall be final. The licensee and/or the Director may seek review of the decision by the Superior Court of Washington in and for Pierce County within 21 days from the date of the Hearing Examiner's decision.

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6B.10.257 ~~Closing Settlement~~ agreement provisions.

The Director may enter into an agreement, in writing, with any person relating to the liability of such person with respect to any license fee or penalties imposed by any of the chapters within Subtitle 6B and administered by this chapter for any license period(s). Upon approval of such agreement, evidenced by execution thereof by the Director and the person so agreeing, the agreement shall be final and conclusive as to the liability or immunity covered thereby, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

A. The case shall not be reopened as to the matters agreed upon, or the agreement modified, by the Director or the licensee, and

B. In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

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6B.10.265 Administrative reviews by the Director of Notice of Violation or Penalty – Appeal.

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C. Decision of Director.

After considering all the information provided, the Director shall determine whether a violation has occurred and shall affirm, vacate, suspend, or modify the Notice or the amount of any monetary penalty assessed. The Director's decision shall be ~~delivered~~mailed in writing to the appellant ~~by first class mail~~.

D. Appeals to the Hearing Examiner of Director's decision.

Appeal of the Director's decision shall be made within ~~10 ten calendar~~ days ~~after from~~ the date ~~of~~ the Director's decision was mailed or hand delivered by filing a written notice of appeal, clearly stating the grounds that the appeal is based on, with the City Clerk, and the City Clerk shall set a date for the hearing of such appeal before the Hearing Examiner of the City, which appeal shall be governed by TMC 1.23, and shall notify the appellant by mail, of the time and place of hearing.

CHAPTER 6B.20 ANNUAL BUSINESS LICENSE

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6B.20.030 Exemptions.

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

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

<u>Year</u>	<u>Annual Threshold</u>
<u>2020-2025</u>	<u>\$2,000</u>
<u>2026-2029</u>	<u>\$4,000</u>

1. The threshold amount will be adjusted every forty-eight months on January 1, by an amount equal to the increase in the Consumer Price Index ("CPI") for "West Urban, All Urban Consumers" (CPI-U) for each 12-month period ending on June 30 as published by the United States Department of Labor Bureau of Labor Statistics or successor agency. To calculate this adjustment, the current rate will be multiplied by one plus the cumulative four-year (forty-eight month) CPI increase using each 12-month period ending on June 30 of each prior year and rounded to the nearest \$100.

However, if any of the annual CPI increases are more than five (5) percent, a five (5) percent increase will be used in computing the annual basis and if any of the annual CPI decreased during the forty-eight-month period, a zero (0) percent increase will be used in computing the annual basis.

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

C. An "Authority" as defined in RCW 35.82.210 as now or hereafter amended.

D. A federally chartered credit union as defined in WAC 458-20-190.

E. A person that only sells and/or distributes liquor as defined in RCW 66.08.120 as now or may hereafter be amended.

F. A Tribal Member conducting business activity on their own Tribal Land.

G. Any person who conducts activity for a Tribal Member or Tribe on Tribal Land.

H. A person in which the City is prohibited from licensing under the Washington State Constitution or the Constitution of the United States or any other exemption outlined in a local, state, or federal regulation.

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CHAPTER 6B.90 FIRE ALARMS AND FIRE SUPPRESSION SYSTEMS

Sections:

6B.90.010 License required.

6B.90.015 License exemption.

6B.90.020 Qualifications for license.

6B.90.030 License fees.

6B.90.010 License required.

It shall be unlawful for any person to engage in the business of selling, installing, maintaining, or repairing fire detection and fire alarm devices and equipment without first obtaining a license pursuant to the provisions of this chapter.

It shall be unlawful to sell, install, maintain, and/or perform testing of fire suppression systems and appliances, including, but not limited to, the following: (1) wet and dry sprinkler systems; (2) kitchen range hood suppression systems; (3) foam systems; (4) clean agent systems; (5) standpipes; (6) underground fire main service systems; and (7) all types of suppression systems for spray booths, rooms or areas, and the maintenance of fire extinguishers in the City without first obtaining a license pursuant to the provisions of this chapter.

Any business engaged in the aforementioned activity shall be subject to review. All applicable requirements of the Fire Department and the Washington State Fire Marshal's office shall be met to be eligible for licensing.

One license shall include and cover all employees of a licensee.

6B.90.015 License exemption.

A. Any person that is licensed as a "fire protection sprinkler system contractor" as outlined in RCW 18.160 is exempt from this Chapter.

B. Any person engaged in general merchandising or retailing at a fixed location with the sale of fire detection or fire alarm devices and equipment being but incidental to that business.

6B.90.020 Qualifications for license.

A. Every applicant licensee for such license who is selling or installing fire detection or fire alarm devices and equipment must satisfy the Director that such fire detection or fire alarm devices and equipment meet with the approval of the Underwriters' Laboratories.

B. Every applicant for such license licensee who is installing fire suppression systems and appliances must satisfy the Director that all applicable requirements of the Fire Department and the Washington State Fire Marshal's office shall be met to be eligible for licensing.

6B.90.030 License fees.

The license fees for Fire Alarm and Fire Suppression Systems are hereby fixed as \$90. shall be as set forth below; provided, however, that no such license fee shall be charged any person engaged in general merchandising or retailing at a fixed location with the sale of fire detection or fire alarm devices and equipment being but incidental to that business.

Fee	\$90
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CHAPTER 6B.110
GARAGES, FUEL STATIONS, AND MARINE REPAIR FACILITIES

6B.110.030 License fees.

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

Type of license	Fees
Automotive and/or marine vessel parts store	\$ 50 <u>100</u>
Mobile garage	\$ 50
<u>Repair garage, first year</u>	<u>\$170</u>
<u>Repair garage, renewal</u>	\$100
<u>Service station, first year</u>	<u>\$170</u>
<u>Service station, renewal</u>	\$100
Storage garage and parking lots	\$ 50 <u>100</u>
Vehicle part recycling facility	\$100 <u>150</u>

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CHAPTER 6B.125
HAZARDOUS MATERIALS

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6B.125.020 Qualifications for license.

Every ~~applicant for such license~~licensee whose business activity will result in the use, manufacturing, processing, storage, or disposal of products listed in the UN Hazard Classification System shall satisfy the Director that any required permits have been obtained from the Tacoma Fire Department, the Washington State Department of Ecology, and the Tacoma Pierce County Health Department.

6B.125.030 License fees.

The license fee for Hazardous Materials license is hereby fixed as \$200.

Hazardous Materials License	Fee
First year fee	<u>\$150</u>
Subsequent annual fee	<u>\$ 90</u>

CHAPTER 6B.130
HOME OCCUPATIONS~~RESIDENTIAL BUSINESS~~

Sections:

- 6B.130.010 License required – Conditional ~~home occupation~~residential business agreement.
- 6B.130.020 License fee.
- 6B.130.030 Exemptions.

6B.130.010 License required – Conditional ~~home occupation~~residential business agreement.

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

B. Both the license and the Conditional ~~Home Occupation Residential Business~~ Agreement are personal to the original applicant and may not be assigned.

1. If there is a change of location of the licensed ~~home occupation residential business~~, the licensee ~~holder~~ need not obtain a new license, but is required to enter into a new Conditional ~~Home Occupation Residential Business~~ Agreement.

2. ~~If Should~~ the type of ~~home occupation residential business activity is~~ be changed, the licensee ~~holder~~ must obtain a new license and enter into a new Conditional ~~Home Occupation Residential Business~~ Agreement.

~~C. "Home occupation" means a business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. The intent of this definition is to maintain consistency with Home Occupations as defined in TMC 13.06.060.~~

6B.130.020 License fee.

The license fee for a ~~home occupation residential business~~ is a one-time fee and is hereby fixed ~~as \$100 as follows:~~

Home occupation license	\$75
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6B.130.030 Exemptions.

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

A. Any charitable organization;

B. Family day cares, short term rentals, and adult family homes as defined in TMC 13.01~~6.060~~;

C. Persons engaging in business of renting or leasing real property; or

~~D. Persons whose gross business income is derived from service activity in or with the City generating annual gross income of less than \$1,000.~~

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

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CHAPTER 6B.145 LIVE/WORK AND WORK/LIVE

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6B.145.010 License Required – Special agreement.

A. It is unlawful for any person to operate or engage in business activities within live/work or work/live units, as defined in TMC 13.06.700, without first obtaining a license pursuant to the provisions of this chapter. Prior to the issuance of said license, the Director must be satisfied that the ~~applicant~~ licensee will be in conformance with applicable laws, including, but not limited to, the criteria set out in TMC 13.06.570 and TMC 2.02, and the ~~applicant~~ licensee must also manifest assent to comply with all applicable laws and regulations by entering into a Conditional Live/Work and Work/Live Agreement.

B. Both the license and the Conditional Live/Work and Work/Live Agreement are personal to the original ~~applicant~~ licensee, and may not be assigned. If there is a change of location of the licensed business to another live/work or work/live unit, the licensee ~~holder~~ need not obtain a new license, but is required to enter into a new Conditional Live/Work and Work/Live Agreement. Should the nature of the business change, the licensee ~~holder~~

must obtain a new license and enter into a new Conditional Live/Work and Work/Live Agreement.

6B.145.020 License Fee.

The license fee for a Live/Work or Work/Live is a one-time fee and is hereby fixed as \$100, as follows:

Live/Work or Work/Live license	\$75
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6B.145.030 Exemptions.

The Conditional Live/Work and Work/Live Agreement and fee assessed by the provisions of this chapter shall not apply to:

A. Any charitable organization.

B. Day cares, bed and breakfasts, and boarding homes.

C. Business of renting or leasing real property.

~~D. Persons whose gross business income is derived from service activity in or with the City generating annual gross income of less than \$1,000.~~

CHAPTER 6B.150 OIL AND GAS DELIVERY VEHICLES

6B.150.020 License fees.

The ~~_annual~~ license fee for an Oil and Gas Tank ~~v~~Vehicle is hereby fixed at \$200, as follows:

Oil and Gas Tank Vehicle	———— \$100
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CHAPTER 6B.170 SALES – DOOR-TO-DOOR SOLICITING

Sections:

* * *

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

6B.170.065 Licensing Prohibited.

6B.170.070 Responsibility for licensing.

* * *

6B.170.020 Definitions.

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

A. The term “~~d~~Door-to-door soliciting” or “soliciting,” whenever used in this chapter, shall mean the carrying of merchandise or the offering for sale goods or services from place to place or the making of sales and the delivering of merchandise or services sold at the same time and place. Goods or services may include, but are not limited to, burglar and fire alarm monitoring equipment or monitoring services, subscriptions for books, magazines, periodicals, newspapers or other type of publication to be delivered at a later date, whether or not collecting payment in advance for such goods or services.

B. “Door-to-Door Soliciting Identification Card” means a card or similar issued or approved by the Director that includes a photograph of the licensee and identifying that the person is licensed to operate in the City.

* * *

6B.170.030 License fees.

The license fees for a Door-to-Door sSoliciting license are is a six (6) month term and hereby fixed as \$90, follows:

Soliciting license	Fees
Per six (6) month period	\$90

6B.170.040 Exemptions.

The provisions of this chapter shall not apply to:

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

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

C. Bona fide school or nonprofit fundraising activities.

C. Veterans pursuant to RCW 73.04.050.

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

6B.170.050 Regulations.

Licenses issued pursuant to this chapter for soliciting shall be numbered by the City when issued, and the licensee shall, if he uses a vehicle in such soliciting activity, display such number in Arabic numerals sufficiently large enough to be easily read in a prominent place on such vehicle. The applicant for such license, if any scales, weights, or measures are used in selling the article to be solicited, shall present and file with the application a certificate from the Director of Public Works showing that all scales, weights, or measures to be used in the licensed activity have been tested and found accurate and correct immediately prior to the filing of said application.

Licenses shall carry the City issued door-to-door soliciting identification card on the person which shall be available for display upon request by a citizen or public official.

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

A. All applicants licensees shall:

1. for a solicitor's license must eConsent to be fingerprinted for a state and federal criminal background check upon initial application and at least every four years. and shall s

2. Submit, with the application, one current full--face digital photograph of the applicant licensee, submitted electronically or consent to a full--face photograph taken by the Director.

3. Consent to a state and/or federal criminal background check at every license renewal.

6B.170.065 Licensing prohibited.

A. The Director may deny, suspend, or revoke any door-to-door solicitor's license application if the Director determines that:

1. Within seven years of the date of application, the licensee has had a felony conviction, bail forfeiture, or other final adverse finding involving crimes reasonably related to the applicant's ability to safely conduct door-to-door soliciting, including but not limited to, homicide, assault, sex offenses, robbery, extortion, kidnapping, harassment, malicious mischief, firearms offenses, rendering criminal assistance, and violations of the uniform controlled substances act, or is required to register as a sex offender, pursuant to RCW 9A.44.130.
 2. Within three years of the date of application, the licensee has had a misdemeanor conviction, bail forfeiture, or other final adverse finding involving crimes reasonably related to the applicant's ability to safely conduct door-to-door soliciting, including but not limited to, assault, sex offenses, harassment, malicious mischief, rendering criminal assistance, obstructing a police officer, resisting arrest, and violations of the uniform controlled substances act or equivalent offenses under a municipal code.
 3. Within three years of the date of application, the licensee has been found, either through a criminal conviction, bail forfeiture, or other final adverse finding (including a civil suit or administrative proceeding) to have exhibited past conduct in working as a door-to-door solicitor which is reasonably related to the applicant's fitness or ability to work as a door-to-door solicitor.
 4. Within three years of the date of application, the licensee engaged in conduct which would lead the Director to reasonably conclude that the licensee will not comply with the provisions of the chapter and the safely operate as a door-to-door solicitor.
- B. Any licensee whose license is denied, suspended or revoked may appeal the denial, suspension, or revocation, as provided in Section 6B.10.140 TMC.

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CHAPTER 6B.175 SALES – FOOD TRUCK VENDORS

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6B.175.040 Application requirements.

Application for a license shall be filed with the Department on forms deemed appropriate by the Director and include the current application fee. In addition, the ~~applicant-licensee~~ shall:

A. Obtain and maintain commercial general liability, including products/completed operations liability insurance, naming the City of Tacoma as additional insureds for both ongoing and completed operations. Minimum liability to be maintained is \$1,000,000. The ~~applicant-licensee~~ shall obtain and maintain commercial automobile liability with limits of not less than \$1,000,000 for each accident for bodily injury and property damage. If the ~~applicant~~ licensee hires employees, the ~~applicant-licensee~~ shall maintain Statutory Workers Compensation and also Employers Liability with limits not less than \$1,000,000. The ~~applicant-licensee~~ shall submit a certificate of insurance and copies of the additional insured endorsement(s) to the Department.

B. Comply with the inspection provisions and standards for food trucks, as set forth in WAC 246-215 and any amendments thereto. To demonstrate compliance with these requirements, the food truck vendor shall obtain plan check approval from the Tacoma-Pierce County Health Department and submit a copy of the Mobile Unit Permit to the City.

C. Submit to inspection by the Tacoma Fire Department to assure compliance with Tacoma Municipal Code (TMC") 3.02, including, but not limited to, compliance of cooking or heating apparatus, fire extinguisher requirements, and any other requirement of TMC 3.02 related to safe operations of food truck vending operation.

* * *

6B.175.050 Fees.

The ~~license~~ fees for a ~~f~~Food ~~T~~truck ~~V~~endor license ~~is are~~ hereby fixed ~~as follows: as~~ \$225.

Description	Fees
Annual license fee	\$225

6B.175.060 Locations.

A. The City shall establish locations suitable for food truck vending. When reviewing locations the City shall consider the following non-exclusive criteria before approving the location for food truck vending.

The location, at a minimum, shall:

1. Have restroom access that meets the requirements of WAC 246-215, as approved by the Tacoma-Pierce County Health Department.
2. Be within an approved commercial zone as identified in TMC Title 13, unless approved by the City.
3. Be compatible with the public and local business interest in use of the public ways as public rights-of-way.
4. Not reduce the width of any pedestrian walkway below six feet or impede vehicular traffic.
5. Not hinder the use of any phone booth, mailbox, fire alarm, fire hydrant (including automatic sprinklers or standpipe connections), newspaper vending machine, bench, transit stop, or traffic signal controllers.
6. Not be within 10 feet of a driveway or bus stop sign, or within 20 feet from a crosswalk, pursuant to RCW 46.61.570, unless approved by the City.

B. Any given location may not be accessible to the food truck when the City approves a special event permit per TMC 11.15 that uses the same public ways unless the food truck vendor is a participant of the special event and has received permission from the ~~person issued the~~ special event ~~applicant~~ permit.

C. The right to occupy said food truck locations shall be shared in common with other City of Tacoma licensed food truck vendors which qualify for use of said areas as hereinafter set forth.

D. Locations shall be identified by the City with a sign that will include the approved hours licensed food truck vendors are allowed to operate. If an approved location is not identified with a permanent City sign, an A-Board sign that is approved or designed by the City must be posted by the food truck vendor prior to the location being used, and such posting shall reserve the location for that food truck vendor for the operating hours indicated on the sign.

The A-Board sign shall:

1. Be posted by the vendor 24 hours in advance of the location being used on the sidewalk directly next to the parking space designated by the City for food truck operations.
2. Indicate the hours the food truck vendor will be operating. Hours of operation at each location will be approved by the City.
3. Not exceed four feet high and 12 square feet on each side of the A-board.
4. Only include wording approved by the City.
5. Not contain business names, business logos, or any type of business advertising.
6. Be removed at the beginning of the food truck vendor shift by the vendor, unless the food truck will be operating at the location within the next 24 hours.

E. Food truck vendors or other interested parties may request a new food truck vendor location that would allow all licensed food truck vendors to operate ~~to-in~~ the City by submitting their request on a form provided by the Director to the Tax & License Division. The person submitting the request for the location shall have the burden to prove that any proposed food truck vending activity will enhance and further the public interest consistent with the use of the public way by the general public and the City for other authorized uses and activities as outlined in 6B.175.060.

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CHAPTER 6B.180

SALES – SIDEWALK VENDORS

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6B.180.040 Application requirements.

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

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

- A. Submit the name and home and business addresses of the applicant-licensee, and the name and address of the owner, if other than the applicant-licensee, of the vending business or sidewalk vending unit to be used in the operation of the sidewalk vending business.
- B. Submit a copy of the adjacent property owner and business owner's written approval for the sidewalk vending site(s). Written approval from a legal representative of the above party may be substituted.
- C. If selling only nonfood items and no approval is required from the Tacoma-Pierce County Health Department, as outlined in subsection G below, submit an accurate diagram of the mobile unit. Include dimensions (length, width, and height). Show location of overhead coverage, if provided.
- D. If selling arts and crafts, submit a signed arts and crafts certification, as provided by the City.
- E. Submit the address of the location or locations the sidewalk vending unit will operate along with an accurate drawing which shows the public area to be used. Each applicant-licensee may request up to two locations. If two locations are requested and the sidewalk vending unit will be traveling from one location to another location throughout the day, then a route path between the two locations must be submitted along with the application.
- F. Obtain comprehensive general liability, including products/completed operations liability insurance, naming the City of Tacoma and the adjacent property owner as additional insureds for both ongoing and completed operations. Minimum liability to be maintained is \$1,000,000 public liability and property damage. If the applicant-licensee hires employees, the applicant-licensee shall maintain Statutory Work Compensation and also Employers Liability with limits not less than \$1,000,000. The applicant-licensee shall submit a certificate of insurance and copies of the additional insured endorsement(s) to the Department.
- G. Comply with the inspection provisions and standards for mobile food units, as set forth in WAC 246-215 and any amendments thereto. To demonstrate compliance with these requirements, the applicant-licensee shall obtain plan check approval from the Tacoma-Pierce County Health Department and submit a copy of the Mobile Unit Permit to the City.
- H. All sidewalk vending units in which food or beverage preparation occurs are subject to inspection by the Tacoma Fire Department to assure compliance with TMC 3.02, Fire Prevention Code, including, but not limited to, compliance of cooking or heating apparatus and fire extinguisher requirements.

* * *

6B.180.060 Issuance.

After the filing of a completed application for a sidewalk vending license, the applicant-licensee shall be notified by the Department of the decision on the issuance or denial of the license. In the event that two or more applications for the same location are received, the earliest application received by the Department, if approved, shall be awarded the location. Upon denial of the application, the applicant-licensee shall be so notified pursuant to Section 6B.180.120.

* * *

6B.180.075 Tollefson Plaza.

- A. Any sidewalk vendor licensed under this chapter may, in addition to the vendor's approved location(s), operate their sidewalk vending business on Tollefson Plaza located on South 17th Street and Pacific Avenue.
- B. Vendors must be at least five feet from all adjacent vendors.
- C. Vendors are not required to get the approval of adjacent property owners, business owners, or vendors when operating on Tollefson Plaza.

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

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

* * *

6B.180.100 Location.

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

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

B. The license operating location must be within an approved commercial zone as approved by the City.

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

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

E. A sidewalk vendor shall not use a given location when the City approves a special event permit pursuant to TMC 11.15 that uses the same public ways unless the sidewalk vendor is a participant of the special event and has received permission from the special event ~~applicant~~licensee.

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

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

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CHAPTER 6B.220 FOR-HIRE REGULATIONS

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6B.220.120 License inspection.

The inspection of for-hire vehicles, inspection and sealing of taximeters, the examining of the qualifications of ~~applicants~~licensees for for-hire vehicle licenses and licenses to drive for-hire vehicles and the enforcing of the provisions of this chapter shall be under the supervision and control of the Director and may be enforced by the Chief of Police, duly appointed City of Tacoma law enforcement, ~~T~~tax and ~~L~~license, and ~~R~~road ~~U~~use ~~C~~compliance ~~O~~officers.

* * *

6B.220.140 Fees – License and inspection; Exemptions.

A. The fees are hereby fixed as follows:

Description	Fees
For-hire driver license	\$50 <u>75</u>
For-hire driver license replacement	\$ 5 <u>10</u>
For-hire vehicle license	\$75 <u>100</u>
For-hire vehicle replacement plate	\$25
Taximeter inspection	\$50

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

The for-hire transportation services company shall:

- A. Maintain a business address, mailing address, and email address (if available) where the owner can accept mail, and a business telephone in working order and/or an email address that can be answered during all hours of operation;
- B. Comply, and require that all affiliated for-hire vehicle owner(s) and affiliated for-hire driver(s) comply with any applicable regulations promulgated under this chapter;
- C. Ensure that each affiliated for-hire vehicle is insured as required pursuant to this chapter;
- D. Provide proof of insurance to the Director required pursuant to this chapter;
- E. Collect and store for at least two (2) years, records of service request (trip) originating in the City of Tacoma for affiliated for-hire vehicles, including daily records of for-hire vehicles in service, together with the affiliated for-hire driver's name and vehicle number (if available), and lists of all affiliated for-hire vehicles and affiliated for-hire drivers. Records may be maintained electronically;
- F. Maintain a dispatch service, application dispatch service or contracted dispatch service, utilizing two-way radios, wireless device communication or an online-enabled application or platform capable of providing reasonably prompt service in response to requests received by telephone, internet, email, online-enabled application or platform or other request for service by a prospective passenger. The use of wireless communication devices while driving shall be utilized according to RCW 46.61.667, which prohibits the holding of a wireless communications device while driving;
- G. Provide a system for passengers to retrieve lost articles;
- H. The for-hire transportation services company shall maintain a record of each oral or written customer complaint that the for-hire transportation services company receives regarding regulations pursuant to this chapter, about the for-hire transportation services company, affiliated for-hire vehicle owner, or affiliated for-hire drivers operating in Tacoma. Where applicable, the for-hire transportation services company should include a notice of the action taken by the for-hire transportation services company to resolve the complaint, the nature of the complaint and the disposition;
 - 1. The Director may request a record of complaints received by a for-hire transportation services company when investigating any complaint received by the City concerning possible violations of this chapter or regulations adopted hereunder by the for-hire transportation services company, affiliated for-hire vehicle owner or affiliated for-hire drivers while operating in Tacoma;
 - 2. The Director may recommend corrective action to be taken by the for-hire transportation services company, for-hire vehicle owner or for-hire driver, revoke licenses and/or assess civil administrative penalties as provided in this chapter; and
- ~~I. Review criminal background checks and driving records for every affiliated for-hire driver and maintain records thereof if the for-hire transportation services company is conducting such checks themselves through a third-party vendor approved by the Director. If a for-hire driver's background check or driving record results in any denial standard in accordance with 6B.220.210.A or 6B.220.300.A the for-hire driver shall not be permitted to provide transportation services by affiliating with the for-hire transportation services company using the for-hire transportation services company application dispatch or dispatch services and/or approved name and color scheme.~~
- ~~J.~~ **J.** A for-hire transportation services company must adopt a policy of nondiscrimination on the basis of race, color, national origin, citizenship or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, the use of a trained dog guide or service animal by a person with a disability, or any other protected class under RCW 49.60.010, with

respect to passengers and potential passengers, and notify affiliated drivers of such policy.

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

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

B. No two for-hire transportation services companies shall have the same colors, unless the owners provide evidence to the satisfaction of the Director that they have the right under a franchise, license, lease or other similar agreement with a for-hire transportation services company to use the color scheme of such for-hire transportation services company. If there exists any conflict between color schemes presented by a for-hire transportation services company in its application for a for-hire vehicle license with any other licensee(s) or applicant(s), the Director shall, after notice to all interested parties, and review of their respective contentions, determine the matter and advise all interested parties of the Director's decision. The Director's decision shall be final.

C. No such license shall be issued if the color scheme or design to be used upon the vehicle is the same or similar to that being used by another licensee and as set forth in such licensee's application, unless the use of such color scheme or design be consented to in writing by all other licensees who use or adopt such similar or same color scheme or design, which agreement shall be filed with the City.

D. The for-hire transportation services company shall submit a sample color chips or picture of painted for-hire vehicle prior to filing a for-hire vehicle license application for approval of color scheme.

6B.220.200 For-hire vehicle – License application and requirements.

A. The for-hire vehicle owner is responsible for filing with the City a for-hire vehicle license application, on forms approved by the Director and containing the information outlined in subsection B, for each for-hire vehicle that is owned by such for-hire vehicle owner and operated in Tacoma.

B. The for-hire vehicle license application shall include the following information:

1. Vehicle owner's full name, home address, home and business telephone number;
2. Vehicle information, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and any other vehicle information required by rule or regulation promulgated under this chapter;
3. Information as requested by the Director pertaining to any for-hire driver's, for-hire vehicle license suspension, denial, or revocation, imposed in connection with a for-hire vehicle owned or leased by the owner within the last three (3) years;
4. Certificate or Proof of an Insurance policy;
 - a. If the City does not already have on file evidence that each for-hire vehicle has liability insurance that meet the requirements of this section, provide evidence with the City that each for-hire vehicle has liability insurance in an amount no less than required by RCW 46.72.050, as it exists or as hereinafter amended. The insurance policy, and any related for-hire driver contracts if applicable, must be submitted to the Director. The insurance policy shall:
 - (1) At a minimum be issued by either: a) an admitted carrier in the State of Washington with an A.M. Best Rating of not less than B VII or b) a surplus line insurers with an A.M. Best Rating of not less than B+ VII;
 - (2) Name the City of Tacoma as an additional insured;
 - (3) Provide that the insurer will notify the Director, in writing, of any cancellation and/or non-renewal at least thirty (30) days before that cancellation and/or non-renewal takes effect; and

(4) Not include aggregate limits, or named driver requirements or exclusions. Other limitations or restrictions beyond standard insurance services office (ISO) business auto policy form are subject to approval by the Director.

b. An insurance policy of underinsured motorist coverage indicating 1) a minimum combined single limit coverage of three hundred thousand dollars (\$300,000) or split level coverage of one hundred thousand dollars (\$100,000) per person, three hundred thousand dollars (\$300,000) per accident;

5. State of Washington vehicle registration;

6. Certificate of Safety or proof that the applicant's licensee's vehicle has passed a uniform vehicle safety inspection, as specified by the Director by rule;

7. If using a for-hire transportation services company's approved color scheme and name, a letter from the for-hire transportation services company which indicates the applicant licensee is authorized to operate a for-hire vehicle using the for-hire transportation services company's approved color scheme and/or name;

8. If using a taximeter in the for-hire vehicle the taximeter shall have been inspected and found to be accurate and sealed, and the annual inspection fee paid according to 6B.220.140.

a. The taximeter must be sealed and in good working order and in accurate operating condition and shall at all times comply with the specifications, tolerances, and other technical requirements as adopted by the National Conference on Weights and Measures and set forth at Section 5.54 of the National Institute of Standards and Technology Handbook 44 of Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, 2003. Every taximeter shall be inspected, sealed and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection certifying compliance with this chapter shall be issued by the Director upon each required taximeter inspection and the taximeter shall upon each such inspection be sealed by the Director. Such certificate of inspection shall include:

(1) The identifying number of the taximeter;

(2) The make, model and license number of the for-hire vehicle in which the taximeter is installed;

(3) The name of the for-hire transportation services company;

(4) The date of inspection;

(5) A certification that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by this Section;

(6) The signature of the individual making the certification; and

(7) A copy of the certificate shall be kept on file in the office of the for-hire transportation services company.

b. No taximeter shall be used unless the same carries thereon an unbroken seal affixed thereto by the qualified taximeter repair service or the Director.

c. For the purpose of checking the accuracy of said taximeter, the for-hire vehicle to which the same is fixed shall be made available to the City of Tacoma at such times as the Director may direct; and

9. Any other documents required by regulations promulgated under this chapter.

C. The for-hire vehicle's model year shall be no more than fifteen (15) years prior to the date of application. For example, vehicles licensed effective July 1 of 2022, must be 2007 models or newer. For-hire vehicles meeting the definition of an accessible for-hire vehicle and/or classic car are not subject to a minimum vehicle age requirement.

D. The above application and information must also be completed and supplied as required during any annual license renewal.

E. The for-hire vehicle owner must inform the Director in writing within seven (7) days if any of the information provided pursuant to subsection (B) changes, ceases to be true or is superseded in any way by new information.

F. All applications for a for-hire vehicle license become void if the applicant licensee, for any reason other than delay caused by the City, fails or neglects to complete the application process or obtain a license within sixty (60) days of submitting an application.

6B.220.210 For-hire vehicle – Standards for license denial; Appeal.

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

1. The applicantlicensee has made any material misstatement or omission in the application for a license;
2. The applicantlicensee fails to meet one or more of the applicanapplication or vehicle requirements of a for-hire vehicle license pursuant to this chapter; or
3. Within three (3) years of the date of application, the applicantlicensee, or if the applicantlicensee is a business entity any officer or partner, has had a conviction, bail forfeiture or other final adverse finding for offenses pertaining to criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery, violation of the Uniform Controlled Substances Act, or an offense involving moral turpitude, where such crime involved the use of a for-hire vehicle.

B. The Director may deny any for-hire vehicle license application if the Director determines that:

1. Within seven (7) years of the date of application, the applicantlicensee or, if the applicantlicensee is a business entity, any officer or partner, has had a conviction, bail forfeiture, or other final adverse finding involving crimes including but not limited to offenses pertaining to prostitution, gambling, physical violence, or other offenses directly related to the applicantlicensee's's honesty, integrity, or moral turpitude including but not limited to fraud, larceny, burglary, extortion, income tax evasion, delivery, possession with intent, or manufacture of controlled substances or any attempt, conspiracy, or solicitation to commit such offenses and/or reasonably related to the applicant's licensee's ability to operate a for-hire vehicle, including but not limited to hit-and-run, reckless driving, attempting to elude a police officer, vehicular assault, vehicular homicide, driving under the influence of alcohol or controlled substances or related offense as in RCW 46.61.502, RCW 46.61.503 RCW 46.61.504, or has been a Habitual Traffic Offender as found by the Washington State Department of Licensing;
2. Within two (2) years of the date of application, the applicantlicensee, or if the applicantlicensee is a business entity any officer or partner of the applicantlicensee, has been found, either through a criminal conviction, bail forfeiture or other final 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, crime or not charged or cited at all, to have exhibited past conduct in driving or operating a for-hire vehicle or operating a for-hire business which would lead the Director to reasonably conclude that the applicantlicensee will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle;
3. Within two (2) years of the date of application, the applicantlicensee, or if the applicantlicensee is a business entity any officer, director, general partner, managing partner or principal of the applicantlicensee, has engaged in the business of operating any for-hire vehicle within the City of Tacoma without a current valid license from the City of Tacoma;
4. Within twelve (12) months of the date of application, the applicantlicensee has violated and/or caused or knowingly permitted a for-hire driver to violate, any Pierce County or City of Tacoma ordinance or regulation pertaining to the operation of for-hire vehicles while in that jurisdiction, if such violation would constitute grounds for license revocation or denial if occurring within the City; and/or

C. Denial of an annual for-hire vehicle license is subject to appeal pursuant to Chapter 6B.10.140 of the Tacoma Municipal Code.

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

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

1. Name, aliases, residence and business addresses, residence and business telephone numbers;
2. Place and date of birth (which must be at least twenty years of age on date of application), height, weight, color of hair and eyes;

3. Washington State driver's license number. The applicantlicensee must present a valid Washington State driver's license or a copy thereof at time of application;
 4. ~~Documentation that a full criminal background check has been completed on the applicant through Washington State Patrol and Federal Bureau of Investigation criminal databases or through a Director approved third party vendor and was reviewed as required in 6B.220.180.I. If a criminal background check is not conducted through a Director approved third party vendor, then the for hire driver shall e~~Consent to be fingerprinted ~~and the City will conduct~~for a state and/or national federal Washington State Patrol and Federal Bureau of Investigation criminal background check;
 5. Information indicating whether or not the applicantlicensee has ever had a for-hire driver's, or driver's license suspended, revoked, or denied and for what cause;
 6. Documentation that a copy of the applicantlicensee's driving abstract from the Washington State Department of Licensing was reviewed as required in 6B.220.180.I or a signed statement authorizing the Director to obtain a current copy of the applicantlicensee's driving abstract from the Washington State Department of Licensing;
 7. Completion of a for-hire driver training course explained in more detail in 6B.220.280;
 8. A statement under penalty of perjury of their physical and mental fitness to act as a for-hire driver;
 9. All applicantlicensees for a for-hire driver's license shall include with their application one current full face digital photograph of the applicantlicensee, submitted electronically or consent to a full face photograph taken by the Director;
 10. If using a for-hire transportation services company's approved color scheme and name, a letter from the for-hire transportation services company which indicates the applicantlicensee is authorized to operate a for-hire vehicle using the for-hire transportation services company's approved color scheme and name;
 11. Such other information as may be reasonably required by regulation promulgated under this chapter.
- B. All applications for for-hire driver's licenses become void if the applicantlicensee, for any reason other than delay caused by the City, fails or neglects to complete the application process or obtain a license within sixty (60) days of submitting an application.

6B.220.260 For-hire driver – Criminal background check and fingerprints.

A. All applicantlicensees shall:

1. Consent to be fingerprinted for a for hire driver's license shall be subject to a state and national federal Washington State Patrol and Federal Bureau of Investigation criminal background check upon initial application and at least every four years.

2. Consent to a state and/or federal criminal background check at license renewal. -ApplicantLicensees previously licensed and fingerprinted will not be required to again be fingerprinted if the applicant was fingerprinted within the last five years. Applicants may submit proof that a criminal background check has been conducted by a Director approved third party vendor and reviewed by their affiliated for hire transportation services company as required in 6B.220.180.I. Proof of a criminal background check does not preclude the City from conducting a separate background check on the applicant.

~~If a criminal background check is not conducted through a Director approved third party vendor, then the for hire driver shall consent to be fingerprinted and the City will conduct a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check.~~

B. ~~Approved vendors, at a minimum must:~~

- ~~1. Include local, state and national databases;~~
- ~~2. Access at least seven years of database history; and~~
- ~~3. Demonstrate competency in providing accurate information.~~

6B.220.270 For-hire driver – Certification of fitness to drive.

- A. The for-hire driver must certify upon initial application and thereafter upon renewal of the license on forms provided by the Director that they are physically and mentally fit to be a for-hire driver.
- B. The Director may at any time require any for-hire driver licensee ~~or applicant~~ to be medically examined if it appears that the licensee has become physically or mentally unfit to be a for-hire driver.
1. If so required the medical certification and examination shall be performed by a physician licensed to practice in Washington State under Chapter 18.71 RCW and completed following that physician's physical examination of the ~~applicant~~licensee.
2. The scope of the certificate form and the examination shall be prescribed by the Director.
3. A United States Department of Transportation medical certification meets the requirements of this section.

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

- A. Upon initial application all for-hire driver ~~applicant~~licensees are required to complete a for-hire driver training course approved by the Director.
- B. For-hire driver training courses may be completed through a City of Tacoma offered class, a third party vendor approved by the Director or through a Director-approved for-hire transportation services company course. The for-hire driver may be required to pay a fee, as determined by the Director, third party vendor, or for-hire transportation services company, for the training course.
- C. Content for all training courses must be submitted for approval as required by the Director. For-hire driver training courses shall include but not be limited to:
1. Information about defensive driving, use of emergency procedures and equipment for the for-hire driver's personal safety, risk factors for crimes against for-hire drivers, enhancement of for-hire driver/passenger relations, assisting passengers with mobility disabilities, and professional conduct and communication skills; and
2. Completion of the National Safety Council Defensive Driving Course or other defensive driving course approved by the Director.
- D. The Director may request a for-hire driver to take a refresher course if there are reasonable grounds, based on documented complaints and/or violations to require a refresher course.

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

- A. The Director shall deny any for-hire driver's license application if the Director determines that such license should not be issued pursuant to the provisions of 6B.10 of the Tacoma Municipal Code or further determines that the ~~applicant~~licensee:
1. Has made any material misstatement or omission in the application for a license;
2. Fails to meet requirements of a for-hire driver license pursuant to this chapter;
3. Has had a bail forfeiture, conviction, or other final adverse finding for offenses pertaining to hit-and-run, reckless driving, attempting to elude a police officer, vehicular assault, vehicular homicide, driving under the influence of alcohol or controlled substances, or related offense as in RCW 46.61.502, RCW 46.61.503 RCW 46.61.504 or anyone found to be a Habitual Traffic Offender by the Washington State Department of Licensing, criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery, violation of the Uniform Controlled Substances Act, or an offense involving moral turpitude, where such crime involved the use of a for-hire vehicle, within three (3) years of the date of application;
4. Has been convicted of a "Sex offense" or "Kidnapping" offense against a minor pursuant to RCW Title 9 or 9A or another state's similar statute, or is a match in the United States Department of Justice national sex offender public website; or
5. Is required to register as a sex offender pursuant to RCW 9A.44.130 or another state's similar statute.

B. The Director may deny any for-hire driver license application if the Director determines that the applicantlicensee:

1. Has had a bail forfeiture, conviction or other final adverse finding involving offenses pertaining to prostitution, gambling, physical violence, or other offenses directly related to the applicantlicensee's honesty, integrity, or moral turpitude including but not limited fraud, larceny, burglary, extortion, delivery, possession with intent, or manufacture of controlled substances or any attempt, conspiracy, or solicitation to commit such offenses, and/or any other offense directly related to the driver's ability to operate a for-hire vehicle, including without limitation to driving under the influence of alcohol or controlled substances or related offense as in RCW 46.61.502, RCW 46.61.503 or RCW 46.61.504 hit-and-run, reckless driving, attempting to elude a police officer, vehicular assault, vehicular homicide, anyone found to be a Habitual Traffic Offender by the Washington State Department of Licensing, provided that such bail forfeiture or conviction was within seven (7) years of the date of application; or
2. Has been found, either through a criminal conviction, bail forfeiture, or other final 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, crime, or not charged or cited at all to have exhibited past conduct in driving or operating a for-hire vehicle that causes the Director reasonably to conclude that the applicantlicensee will not comply with the provisions of the chapter related to driver/operator conduct and the safe operation of the vehicle.

C. Denial of issuance of a for-hire driver license is subject to appeal pursuant to 6B.10.140 of the Tacoma Municipal Code.

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6B.220.380 License suspension and revocation – For-hire transportation services company, for-hire vehicle and for-hire driver; Appeal.

A. If three (3) or more Class ‘A’ violations, as outlined in 6B.220.390, are found and a penalty issued to a for-hire transportation services company or its affiliated for-hire vehicle owners or for-hire drivers within any 365 day period, one or more of the for-hire vehicle licenses associated with that for-hire transportation services company may be temporarily suspended for up to a five (5) day period.

B. Any license issued under this chapter including a for-hire transportation services company license, for-hire vehicle license or for-hire driver license may be revoked or suspended by the Director pursuant to Section 6B.10.140 or 6B.10.145 of the Tacoma Municipal Code, or for a violation of the requirements otherwise provided in this chapter.

C. Any license denial, revocation or suspension may be appealed pursuant to Section 6B.10.140 or 6B.10.145 as appropriate.

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**CHAPTER 6B.230
TEMPORARY EVENT – MULTIPLE VENDOR LICENSE**

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6B.230.030 License fees – List of vendors.

A. The license fee shall be \$510 per vendor per day.

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