



ORDINANCE NO. 28594

1 AN ORDINANCE relating to the tax and license code; amending Title 6 of the
2 Tacoma Municipal Code by amending Sections 6A.10.020 and 6B.10.030
3 thereof to update definitions and references to “alcohol” and “liquor”; and
4 amending Chapters 6B.70 and 6B.80, relating to Entertainment and Dancing
Licenses when liquor is and is not served, to update language and
requirements related to temporary events.

5 WHEREAS a comprehensive review of Title 6 of the Tacoma Municipal
6 Code (“TMC”) was completed in October 2018, resulting in amendments to
7 provide consistency within the TMC, including the repeal of regulatory licenses no
8 longer needed, and
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10 WHEREAS some sections of TMC Title 6 have been identified for further
11 revision to ensure consistent and clear application of requirements for temporary
12 entertainment events, and
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14 WHEREAS the proposed amendments to Chapters 6B.70 and 6B.80,
15 relating to entertainment and dancing licenses in situations where liquor is and is
16 not served, include (1) removing language which conflicts with other sections of
17 the chapter from the definition of “temporary event”; (2) adding a requirement to
18 provide “description of entertainment activity” on the written safety plan; (3) adding
19 language in Section 6B.80.035 clarifying that, although a temporary event is
20 exempt from the license fee, a written safety plan may need to be submitted; and
21 (4) creating a new section for temporary events, and
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23 WHEREAS the proposed amendments also include revisions to
24 TMC 6A.10.020 and 6B.10.030, to update definitions and references to “alcohol”
25 and “liquor,” and
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WHEREAS staff is recommending that the proposed amendments be approved to provide clarity and consistency in the application of license requirements; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Title 6 of the Tacoma Municipal Code, Tax and License Code, is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

TITLE 6
TAX AND LICENSE CODE

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Chapters:

- Subtitle 6B License Code**
- Chapter 6B.10 General License Provisions.
- Chapter 6B.20 Annual Business License.
- Chapter 6B.30 Adult Entertainment.
- Chapter 6B.40 Alarm Devices.
- Chapter 6B.50 Ambulances.
- Chapter 6B.60 Boilers – Engineers And Firemen Certificates.
- Chapter 6B.70 Entertainment/Dancing – ~~Alcohol~~ Liquor Served.
- Chapter 6B.80 Entertainment/Dancing – No ~~Alcohol~~ Liquor Served And Teenage Dance.
- Chapter 6B.90 Fire Alarms And Fire Suppression Systems.
- Chapter 6B.100 Repealed.
- Chapter 6B.110 Garages, Fuel Stations, And Marine Repair Facilities.
- Chapter 6B.120 *Repealed.*
- Chapter 6B.125 Hazardous Materials.
- Chapter 6B.130 Home Occupations.
- Chapter 6B.140 Transient Accommodations.
- Chapter 6B.145 Live/Work And Work/Live.
- Chapter 6B.150 Oil And Gas Delivery Vehicles.
- Chapter 6B.160 Pawnbrokers, Secondhand Dealers, And Garage Sales.
- Chapter 6B.165 Provisional Rental Property License.
- Chapter 6B.170 Sales – Door-To-Door Soliciting.
- Chapter 6B.175 Sales – Food Truck Vendors.
- Chapter 6B.180 Sales – Sidewalk Vendors.
- Chapter 6B.190 *Repealed.*
- Chapter 6B.200 *Repealed.*
- Chapter 6B.210 Sign Erectors.
- Chapter 6B.220 For-Hire Regulations.
- Chapter 6B.230 Temporary Event – Multiple Vendor License.

SUBTITLE 6A
TAX CODE

CHAPTER 6A.10
GENERAL TAX PROVISIONS

6A.10.020 Tax definitions.

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

~~“Alcohol” means those substances controlled by the Liquor Control Board.~~

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



- 1 "Cash basis" means a basis of accounting which recognizes revenues and expenses as occurring in the reporting period when they were actually either received or paid.
- 2 "Certificate" means "license certificate" as defined in Subtitle 6B.10.
- 3 "Charitable organization" means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington ("RCW")¹ and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.
- 4 "City" means the City of Tacoma and all of its departments, including Tacoma Public Libraries and Tacoma Public Utilities. It does not include the Metropolitan Park District of Tacoma, Port of Tacoma, Tacoma School District, or Tacoma Housing Authority, which are separate municipal corporations.
- 5 "Department" means the Tax and License Division of the Finance Department of the City or any successor department.
- 6 "Director" means the Director of the Finance Department of the City or any officer, agent, or employee of the City designated to act on the Director's behalf.
- 7 "Gambling" means any activity included in the provisions of RCW 9.46.0237.
- 8 "Generally accepted accounting principles" means those national accounting standards promulgated by the Financial Accounting Standards Board for businesses and nonprofit associations or by the Governmental Accounting Standards Board for state agencies or local governments.
- 9 "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.
- 10 "Gross receipts" has the same meaning as gross income.
- 11 "Liquor" shall have the same meaning as RCW 66.04.010.
- 12 "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.
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**SUBTITLE 6B
LICENSE CODE**

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Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- 6B.50 Ambulances
- 6B.60 Boilers – Engineer and Fireman Certificates
- 6B.70 Entertainment/Dancing – ~~Alcohol~~ Liquor Served
- 6B.80 Entertainment/Dancing – ~~No Liquor Served~~ Skating Rinks – All Ages and Teenage Dance
- 6B.90 Fire Alarms and Fire Suppression Systems

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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:

~~“Alcohol” means those alcoholic substances controlled by the Liquor Control Board.~~

“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.

* * *

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

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

“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.

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Chapter 6B.70
ENTERTAINMENT/DANCING – ~~ALCOHOL LIQUOR~~ SERVED

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Sections:

- 6B.70.005 Purpose.
- 6B.70.010 License required.
- 6B.70.020 Definitions.
- 6B.70.030 Classes of entertainment.
- 6B.70.040 Entertainment license fees.
- 6B.70.043 Exemptions
- 6B.70.045 Reports to the Fire Marshal.
- 6B.70.047 Reports to the Police Chief.
- 6B.70.048 Temporary events.
- 6B.70.049 Requirements and term for security personnel license.
- 6B.70.050 Licensing prohibited.
- 6B.70.055 Activity not permitted at establishments.
- 6B.70.060 Information required from corporations.
- 6B.70.070 Construction of chapter.

6B.70.005 Purpose.

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

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

6B.70.020 Definitions.

A. "Dancing place" means any room, place, space, or private club in the City open for the serving of the public or members, in which the members, guests, patrons, entertainers, or other persons are permitted to, dance in the connection with the business of directly or indirectly selling liquor for consumption on or within the premises.

* * *

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

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

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

- 1. When using security personnel, identify the number of security personnel and where they will be/are located throughout the establishment. All security personnel must be licensed as required by this chapter.
- 2. Procedures for checking identification and searching patrons;
- 3. Procedures for ensuring that only persons 21 years or older are served ~~alecohol~~ liquor or allowed in areas restricted to persons over 21 years;
- 4. Procedures for handling violent incidents, other emergencies, and calling the Tacoma Police Department;



- 5. A description of the training provided or completed by the security and other personnel, including conflict de-escalation training;
- 6. Procedures for crowd control and preventing overcrowding;
- 7. Procedures for disturbances outside the premises from patrons leaving the establishment, i.e. loitering, vandalism, noise, parking, and crowd dispersal;
- 8. Current hours of operation and anticipated hours of operation; and
- 9. Current contact information for the person or position responsible for addressing safety, security, or City code-related complaints by patrons or neighborhood residents.

10. A detailed description of the type of entertainment activity occurring at the establishment.

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6B.70.047 Reports to the Police Chief.

- A. The licensee, owner, or operator of any establishment shall file with the license application a written safety plan, as defined in this chapter.
- B. Establishments shall file their written safety plans upon initial application with the Director, who shall distribute them to the Tacoma Police Department. No establishment may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.
- C. Establishments shall make an updated copy of their safety plan available for review by the establishment’s employees. The safety plan shall be made available upon request by the City, patrons, or neighborhood residents.
- D. The written safety plan must be reviewed at least once every year by the business owner. If there are any changes from the original written safety plan filed upon initial application, an updated safety plan must be submitted to the Director with the next annual license renewal.
- ~~E. Temporary events as defined in this chapter shall, at least 15 business days prior to the start of the event, file a written safety plan with application to the Director, who shall distribute to the Tacoma Police Department. No temporary event may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.~~
- ~~F. Temporary events that will occur at an establishment that is licensed under 6B.70 may be required to submit a written safety plan for the temporary event and receive approval from the City prior to the event opening to the public.~~

6B.70.048 Temporary events.

- A. Temporary events in location without current Entertainment license. Temporary events as defined in this chapter shall, at least 15 business days prior to the start of the event, file a written safety plan with application for the license to the Director, who shall distribute to the Tacoma Police Department. No temporary event may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.
- B. Temporary events in location with current Entertainment license. Temporary events as defined in this chapter that will occur at an establishment that is licensed under 6B.70 may be required, at least 15 business days prior to the start of the event, to submit a written safety plan with application for the temporary event and receive approval from the City prior to the event opening to the public. A safety plan will be required if requested by the Tacoma Police Department, Tacoma Fire Department, or other City official and determined to be necessary for the health and safety of the public and the attendees of the event.

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

- A. Prior to a license being issued, any person meeting the definition of “security personnel” is required to:
 - 1. Consent to be fingerprinted for a state and federal criminal background check. Applicants previously licensed and fingerprinted will not be required to again be fingerprinted if reapplication is received within five years of initial licensing; and
 - 2. Submit payment of \$50 for the security personnel license.



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

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

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

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

6B.70.050 Licensing prohibited.

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

1. Within ten years of the date of application, the applicant has had a felony conviction, bail forfeiture, or other final adverse finding involving crimes reasonably related to the applicant’s ability to safely provide security, including but not limited to, 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 applicant has had a misdemeanor conviction, bail forfeiture, or other final adverse finding involving crimes reasonably related to the applicant’s ability to safely provide security, including but not limited to, assault, sex offenses, harassment, malicious 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 applicant 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 security personnel which is reasonably related to his or her fitness or ability to work as security personnel;

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

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

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6B.70.070 Construction of chapter.

Any license issued pursuant to this chapter shall be subject to any rules or regulations of the Washington State Liquor ~~Control and Cannabis~~ Board relating to the sale of intoxicating liquors. This chapter shall not be construed as imposing a license fee upon the sale or privilege of selling beer, wine, or any intoxicating liquors.



Chapter 6B.80
ENTERTAINMENT/DANCING – NO ~~ALCOHOL-LIQUOR~~ SERVED AND TEENAGE DANCE

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Sections:

- 6B.80.005 Purpose.
- 6B.80.010 License required.
- 6B.80.020 Definitions.
- 6B.80.030 License fees.
- 6B.80.035 Exemptions.
- 6B.80.040 Reports to Chief of Police.
- 6B.80.041 Temporary events.
- 6B.80.045 Reports to the Fire Marshal.
- 6B.80.050 Condition of premises – Lighting.
- 6B.80.060 Hours.
- 6B.80.070 Attendance of minors at dances.
- 6B.80.080 Conduct and inspection.
- 6B.80.090 *Repealed.*
- 6B.80.100 *Repealed.*
- 6B.80.110 Teenage Dance Committee.
- 6B.80.120 Teen dance permit – Issuance.
- 6B.80.130 Teen dance permit applications – Requirements.
- 6B.80.140 Teen dance regulations.
- 6B.80.150 *Repealed.*

6B.80.005 Purpose.

The purpose of this chapter is to regulate the operation of entertainment and dancing establishments where no ~~alcohol-liquor~~ is served for the protection of the public welfare, health and safety of those that attend and patronize these establishments by:

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

6B.80.020 Definitions.

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

“Temporary event” means an entertainment event lasting in duration of less than 11 days, ~~held at an establishment that does not have a valid entertainment license issued under chapter 6B.70 or 6B.80.~~

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

- 1. When using security personnel, identify the number of security personnel and where they will be/are located throughout the establishment. All security personnel must be licensed as required by chapter 6B.70.
- 2. Procedures for checking identification and searching patrons;
- 3. Procedures for handling violent incidents, other emergencies, and calling the Tacoma Police Department;



- 4. A description of the training provided or completed by the security and other personnel, including conflict de-escalation training;
- 5. Procedures for crowd control and preventing overcrowding;
- 6. Procedures for disturbances outside the premises from patrons leaving the establishment, i.e. loitering, vandalism, noise, parking, and crowd dispersal;
- 7. Current hours of operation and anticipated hours of operation; and
- 8. Current contact information for the person or position responsible for addressing safety, security, or City code-related complaints by patrons or neighborhood residents.

9. Detailed description of the entertainment to be provided at the establishment.

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6B.80.035 Exemptions.

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

A. Athletic events sponsored or conducted by the Washington Interscholastic Athletic Association (WIAA) or an elementary or secondary school wherein the athletic participants are students in such school;

B. Motion picture theaters not providing live entertainment;

C. Temporary events that are operated within an establishment theater, permanent building, or auditorium licensed under this chapter: provided that such temporary event must comply with the provisions in TMC 6B.80.041 below, except that a written safety plan for the temporary event may need to be submitted;

D. Entertainment sponsored by any local or state government;

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

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

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

H. Performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program;

I. Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;

J Entertainment limited to the use of a radio, music recording machine, juke box, television, video games, video programs, or recorded music by an establishment that does not permit dancing;

K. Entertainment consisting of ambient or incidental music provided for guests or patrons by singers or musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an admission charge required to observe or attend such entertainment, the music will not be considered ambient or incidental;

L. Any establishment, venue or assemblage of forty-nine (49) persons or less, as described in the maximum occupancy load;

M. Entertainment lawfully conducted at any business licensed under Chapter 6B.30, Adult Entertainment or Chapter 6B.70, Entertainment/Dancing – alcohol-liquor served.

N. Baseball, football or other athletic games.

6B.80.040 Reports to Chief of Police.

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



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B. Establishments shall file their written safety plans upon initial application with the Director, who shall distribute them to the Tacoma Police Department. No establishment may open to the public without filing a written safety plan in accordance with this section and receiving notification that the Entertainment/Dancing license has been approved by the City.

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

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

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

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

6B.80.041 Temporary events.

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

B. Temporary Events at location with current Entertainment License. Temporary events, as defined in this chapter, that will occur at an establishment that is licensed under 6B.70 or 6B.80 may be required, at least 15 days prior to the start of the event, to submit a written safety plan with application for the temporary event and receive approval from the City prior to the event opening to the public. A safety plan will be required if requested by the Tacoma Police Department, Tacoma Fire Department, or other City official and determined to be necessary for the health and safety of the public and the attendees of the event.

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6B.80.130 Teen dance permit applications – Requirements.

A. The application for a permit shall be accompanied by adequate proof that the place or premises where the dance is to be held has a valid Entertainment/Dancing – No ~~Alcohol-Liquor~~ Served license, or is not required to have such license but conforms with all safety regulations established by law, and must be filed with the Committee at least 30 calendar days prior to the time set for the intended dance.

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