

Chapter 6B.10

GENERAL LICENSE PROVISIONS

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6B.10.040 License required.

A. No person shall maintain or operate any device, vehicle, or thing, or engage in any business, calling, profession, trade, occupation, or activity specified in this subtitle without first procuring a license therefor from the City and paying the fees prescribed herein, unless the City requirement for a license is pre-empted by state or federal law.

B. Persons applying for a city business license shall maintain all local, state and federal licenses required for the operation of the business and shall remain in compliance with such licenses while the business remains in operation.

(Ord. 27297 § 1; passed Nov. 23, 2004)

6B.10.105 Advertising unlicensed premises.

No person shall place on a building or property within the city limits of Tacoma any advertisement about conducting a specific business activity within the building or on the property unless the person conducting the activity has a valid license pursuant to local, state or federal law. Advertising includes, but is not limited to any sign, placard, poster, banner, card or other advertising matter placed, erected, displayed, or maintained on the outside or in close proximity to any building or place, or in the inside in such a manner as it may be seen from the outside thereof.

6B.10.115 Hours of operation - Massage.

All massage business locations or offices that offer massage therapy services shall not be open between 10:00 p.m. and 6:00 a.m., provided that if a massage business is physically located within a larger business, such as a salon or a hotel, then only the area where the massage business is conducted shall be closed between 10:00 p.m. and 6:00 a.m.

6B.10.117 Unlicensed practice – Massage-- Penalties.

The following penalties may be imposed upon an owner of a massage business where the unlicensed practice of massage therapy has been committed:

A. Any person who with knowledge or criminal negligence allows or permits the unlicensed practice of massage therapy to be committed within his or her massage business by another per RCW 18.108.035 is guilty of a misdemeanor for a single violation.

Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a gross misdemeanor punishable according to chapter 9A.20 RCW.

B. Unlicensed practice of massage therapy pursuant to RCW 18.130.190(7)(a), constitutes a gross misdemeanor for a single violation.

Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter 9A.20 RCW.

6B.10.140 Suspension or revocation – Appeal.

A. The Director shall have the power and authority to suspend or revoke any registration or license issued under the provisions of Title 6. The Director shall notify such licensee in writing by certified mail or hand delivery of the suspension or revocation of his or her license or registration and the grounds therefor. Any license or registration issued under this title may be suspended or revoked based on one or more of the following grounds:

1. The registration was procured by fraud 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.
4. The licensee is in default in 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.
6. Licensee's continued conduct of the business for which the license or registration was issued will result in a danger to the public health, safety, or welfare by reason of any of the following:
 - a. The licensee, his/her employee or agent has committed a crime or other violation of law, which bears a direct relationship to the conduct of the business under the license or registration issued pursuant to this title. 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. If a licensee appeals such a suspension, revocation, or denial of a license or registration 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.

- b. The licensee, or his/her agents or employees, have in the conduct of the business, violated any local, state or federal law ~~or ordinance~~ relating to public health or safety.
- c. The conduct of the business for which the license or registration was issued has resulted in the creation of a public nuisance as defined in the TMC or in state law.
- d. The tolerance of a public nuisance or criminal activity as defined in ~~TMC-local, or in~~ state or federal law for which the business owner or operator can reasonably control or prevent.

7. For any reason that would justify denial or disqualification of a license under Section 6B.10.170.

B. Any licensee may, within 10 days from the date that the suspension or revocation notice was mailed to the licensee, appeal such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the City Clerk. A copy of the petition must be provided by the licensee to the Director and the City Attorney on or before the date the petition is filed with the City Clerk. The hearing shall be conducted in accordance with the procedures for hearing contested cases set out 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 suspension or revocation and reinstate the license or registration, and may impose any terms upon the continuance of the registration.

No suspension or revocation, under this subsection, of a license or registration issued shall take effect until 10 days after the mailing or hand delivery of the notice thereof by the Director and, if appeal is taken as herein prescribed, the suspension or revocation shall be stayed pending final action by the Hearing Examiner. All licenses or registrations which are suspended or revoked shall be surrendered to the City on the effective date of such suspension or revocation.

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 decision. If review is sought as herein prescribed, the suspension or revocation shall be stayed pending final action by the Superior Court.

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

(Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 28007 Ex. A; passed Jul. 26, 2011; Ord. 27588 Ex. A; passed Feb. 20, 2007; Ord. 27297 § 1; passed Nov. 23, 2004)

6B.10.170 Grounds for disqualification of licensees.

Pursuant to the provisions of this subtitle, no license shall be issued to the following persons:

A. Any minor under 18 years of age.

B. Any person who, if licensed, is likely to present a danger to the public health, safety, or welfare by reason of any of the following:

1. The applicant or his or her employee or agent has committed a crime or other violation of law which bears a direct relationship to the conduct of the business under the license issued pursuant to this title. 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. If a licensee appeals such a 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.

2. The applicant has had a similar license revoked or suspended pursuant to the provisions of Section 6B.10.140 above or has had a similar license revoked or suspended by any other administrative authority.

3. The Director has reasonable grounds to believe applicant to be dishonest or to desire such license to enable applicant to practice some illegal act or some act injurious to the public health or safety.

C. Any person who is not qualified under any specific provision of this subtitle for any particular license for which application is made.

D. The Director may deny a license if:

1. The applicant or his or her employee or agent has committed a series of crimes or other violations of law that show a disregard for the law and the Director reasonably concludes, based on this conduct, that the applicant will not comply with the provisions of this title or other applicable laws applicable to the operation of the business. 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 conviction or finding of committed, or if it is deferred or subject to pretrial diversion. If a licensee appeals such a 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.
2. For any reason that would justify denial of the license under Section 6B.10.140 or Section 6B.10.145;
3. When the Director reasonably concludes that the applicant will not comply with the provisions of this title or other applicable local, state or federal laws applicable to the operation of the business or that the operation of the business is likely to endanger public health or safety. The Director may consider any relevant matter, including illegal activity associated with the applicant's operation of another business, or the conduct of the applicant's patrons or employees inside or outside a similar business operated by the applicant.

(Ord. 28007 Ex. A; passed Jul. 26, 2011; Ord. 27297 § 1; passed Nov. 23, 2004)

6B.10.180 Inspection.

All licensees shall be open to inspection, including records required to be maintained pursuant to this chapter, by the Director, during licensee's normal business hours and, in any event, from 8:00 a.m. to 5:00 p.m., Monday through Friday. The licensee, business owner, manager, or other responsible party shall allow entry by City of Tacoma officials for the purposes of ensuring for public safety or inspecting for compliance of Title 6 at any time the facility is open. Denial of entry is cause for summary suspension of the license.

(Ord. 27588 Ex. A; passed Feb. 20, 2007; Ord. 27297 § 1; passed Nov. 23, 2004)