

**Subtitle 6B**  
**LICENSE CODE**

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**Chapter 6B.10**  
**GENERAL LICENSE PROVISIONS**

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#### **6B.10.010 Subtitle designated as License Code.**

This subtitle shall constitute the License Code of the City, and may be cited as such.

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

#### **6B.10.020 Application of chapter.**

The provisions of this chapter shall apply with respect to the fees imposed under this Subtitle 6B and under other titles, chapters, and sections in such manner and to such extent as indicated in each such subtitle, chapter, or section.

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

#### **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 ~~this chapter of the License Code of the City~~ Subtitle 6B of the TMC. The annual business license certificate issued by the Department is required to be displayed at the place of business by all persons operating a business under the provisions of Title 6.

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

~~“Certificate” means “registration certificate” as defined below.~~ “Certificate of Complaint” is a document filed with the Pierce County Auditor, stating the property is in violation of Chapter 2.01 of the Tacoma Municipal Code

“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 any officer, agent, or employee of the City designated to act on the Director’s behalf.

~~“Door to door sales” means the carrying of merchandise for sale from place to place, and the making of sales and delivery of merchandise sold at the same time and place. “Engaging in business” shall mean engaging in business 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 regulatory~~ 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. the certificate issued by the Department pursuant to Subtitle 6B of the TMC.~~

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

“License fee” means the amount charged by the City for the issuance of ~~any regulatory~~ license required under the provisions of Subtitle 6B. ~~These 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~~ under Subtitle 6B.

“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 his or her 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 City’s Code.

“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.

~~“Registration certificate” means a non-transferable certificate issued by the Department required of all persons operating a business under the provisions of Title 6.~~

“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 Title 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.

(Ord. 28401 Ex. A; passed Dec. 6, 2016; Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 27588 Ex. A; passed Feb. 20, 2007; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **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 preempted 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. 28401 Ex. A; passed Dec. 6, 2016; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **6B.10.045 Exemptions for preapproval.**

Persons applying solely for licenses 6B.20 Annual Business License, 6B.40 Alarm Devices or 6B.130 Home-Occupations may operate based on the license application submitted for approval.

(Ord. 27588 Ex. A; passed Feb. 20, 2007)

#### **6B.10.050 Separate licenses – When required.**

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, but shall register each dwelling unit with the City of Tacoma and include an agreement certifying that each dwelling unit complies with RCW 59.18.060, as adopted by the state, and does not present conditions that endanger or impair the health or safety of the tenants.

(Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **6B.10.060     Application for license—~~Approval or denial—Appeal.~~**

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. Upon approval of the application, the license shall be issued by the City and delivered to the applicant. ~~The Director shall approve or deny all applications for licenses required hereunder and any applicant denied a license, or any person objecting to the issuance of any such license, shall, within 10 days after the issuance or denial of such license, appeal said ruling 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 applicant in the case of a denial, and the objector and applicant in the case of issuance, by mail, of the time and place of hearing.~~

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

#### **6B.10.070     Term of license.**

All licenses issued pursuant to the provisions of this subtitle, except as to those licenses for which a ~~shorter~~ different term is herein specified, shall be effective as of the first day of the month of issuance regardless of the actual date of issue, and shall expire 1 year from the effective date thereof unless sooner revoked or suspended in ~~at the~~ manner provided in this chapter.

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

#### **6B.10.075     Director to make rules.**

The Director shall have the power, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this Subtitle 6B or with law for the purpose of carrying out the provisions of this subtitle. It shall be unlawful to violate or fail to comply with any such rule or regulation.

(Ord. 28207 Ex. A; passed Mar. 18, 2014)

#### **6B.10.080     Due date.**

Except as otherwise provided in this subtitle, any license fee shall be due on or before the last day of the next month following expiration of the current license. If the due date is a Saturday, Sunday, or City or federal legal holiday, then the due date shall be the next succeeding day that is neither a Saturday, Sunday, or City or federal legal holiday.

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

#### **6B.10.090     Renewal of license - Late payment—Renewal of license.**

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 renewed 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 expiration date of said license shall be subjected to penalty iesy payments in the following amounts; ~~unless an extension based upon good cause is granted by the Director.~~

A1. If the license fee is not received on or before the due date: a penalty of 20 percent of the license fee or \$25, whichever is greater.

B2. If the license fee is received Any person who shall not secure a renewal within a period of over 1 month following the due date of the license fee shall forfeit any and all rights to the renewal thereof, but may apply for a new license, in which event he or she shall be charged a penalty equal to 50 percent of the license fee or \$50, whichever is greater. The granting of such a license by the City shall be within the discretion of the City.

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 of licenses or remittances from any licensee. Remittance which is transmitted to the City electronically shall be deemed filed or received on the date submitted according to procedures set forth by the Director.

~~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 shall be renewed as herein provided unless the licensee has paid in full all occupational license fees and taxes due to the City pursuant to the ordinances of the City during the preceding license term. Nonpayment of occupational license fees and taxes when due by the licensee during the term of any license shall constitute a ground for revocation of said license.~~

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

#### **6B.10.095     ~~Cancellation-Waiver~~ of penalties.**

~~A. A-~~ The Director may ~~cancel-waive~~ any penalties imposed under Section 6B.10.090 if ~~a person:~~

~~1. the licensee-s~~ Shows that ~~the person's~~ failure to timely ~~file or~~ pay the license fee ~~-w~~ was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the ~~person~~ licensee shows that it exercised ordinary business care and prudence in making arrangements to ~~file the license and~~ pay the ~~license~~ fee but was nevertheless, due to circumstances beyond the ~~person~~ licensee's control, unable to ~~file or~~ pay by the due date:- ~~The Director has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection C.~~

~~2. Submits B. Aa~~ request for ~~cancellation-waiver~~ of penalties ~~must be received by the Director within 30 days after the date the Department mails the notice that the penalties are due. The request must be~~ in writing; ~~and~~

~~3. Includes in the request -and contain~~ competent proof of all pertinent facts supporting a reasonable cause determination. In all cases, the burden of proving the facts rests upon the ~~licensee~~ person.

~~BC.~~ The Director may ~~cancel-waive any~~ the penalties in Sections 6B.10.090 ~~one time~~ if a person:

1. ~~Is~~ Was not currently licensed;

2. Was unaware of the person's responsibility to file and pay license fees; and

3. ~~Paid and filed all Obtained-past due~~ business license ~~feess~~ and ~~filed-past due~~ tax returns ~~-within 30 days after being notified by the Department or entered into a payment agreement approved by the Director and the past due license fees and tax returns are paid within the terms outlined in the agreement.-~~

~~C. The Director may waive the penalties in 6B.10.090 when a person has filed and paid on time all license fees required for the two calendar years prior to the year in which the license was filed late even if the reason for late filing does not meet the criteria of 6B.10.095.A or 6B.10.095.B.~~

(Ord. 28207 Ex. A; passed Mar. 18, 2014)

#### **6B.10.100 — Method of payment.**

~~A. Fees and penalties shall be paid to the Director in United States currency by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer or electronic payment if such wire transfer or electronic payment is authorized by the Director. If payment so received is not paid by the bank on which it is drawn, the licensee, by whom such payment is tendered, shall remain liable for payment of the license and for all legal penalties, the same as if such payment had not been tendered. Acceptance of any sum by the Director shall not discharge the fee due unless the amount paid is the full amount due.~~

~~B. 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 of licenses or remittances from any licensee. Remittance which is transmitted to the City electronically shall be deemed filed or received according to procedures set forth by the Director.~~

~~(Ord. 28207 Ex. A; passed Mar. 18, 2014; 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 requirements. 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.

(Ord. 28401 Ex. A; passed Dec. 6, 2016)

#### **6B.10.110 Posting or carrying of license.**

Unless otherwise provided in the specific provisions of this subtitle, all licenses issued pursuant to the provisions of this subtitle shall be posted on the device, vehicle, or thing licensed, or at the place where the licensed business, calling, profession, trade, occupation, or activity is carried on; however, that when the licensee's business requires travel from place to place or from house to house, then such license must be carried on the person of such licensee while actually engaged in the licensed occupation, business, or trade.

(Ord. 28207 Ex. A; passed Mar. 18, 2014: Ord. 27297 § 1; passed Nov. 23, 2004)

#### **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.

(Ord. 28401 Ex. A; passed Dec. 6, 2016)

#### **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/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.

(Ord. 28401 Ex. A; passed Dec. 6, 2016)

#### **6B.10.120 ~~Mailing~~ Delivering of notices.**

Any notice required by this chapter to be ~~mailed-delivered~~ to any licensee shall be ~~sent by ordinary or electronic mail, delivered to any~~ the address of the licensee as shown by the records of the Director, ~~or if no such address is shown, to such address as the Director is able to ascertain by reasonable effort.~~ Failure of the licensee to receive such ~~mailed~~ notice shall not release the licensee from any fee or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter. It is the responsibility of the licensee to inform the Director in writing about a change in a taxpayer's address.

(Ord. 28207 Ex. A; passed Mar. 18, 2014: Ord. 27297 § 1; passed Nov. 23, 2004)

#### **6B.10.130 Failure to file.**

If any licensee fails, neglects, or refuses to file a license application or renewal as and when required under this ~~subtitle-chapter~~, the Director is authorized to determine the amount of fee payable, together with any penalty assessed under the provisions of this chapter, and ~~by mail~~ notify such licensee of the amount so determined, which amount shall ~~become the fee and penalty and shall~~ become immediately due and payable.

(Ord. 28207 Ex. A; passed Mar. 18, 2014: Ord. 27297 § 1; passed Nov. 23, 2004)

#### **~~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 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 local, 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. 28401 Ex. A; passed Dec. 6, 2016; 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.10.140 Denial or revocation – Appeal.**

##### **A. Reasons for denial or revocation.**

The Director may deny an application for, 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.
4. The licensee is in default ~~in~~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.
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 for which the license was issued will result in a danger to the public health, safety, or welfare.
10. The licensee, his/her employee or agent has committed a crime or other violation of law, which bears a relationship to the conduct of the business under the license 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. 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 his/her agents or employees, have in the conduct of the business 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 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 6 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 being a minor,
2. a violation of a regulatory license in subtitle 6 and the violation has since been remedied,
3. nonpayment of taxes or license fees pursuant to subtitle 6 that have since been paid, or

4. not having a required local, state or federal license, but which has since been obtained.

#### C. Notice.

1. The Director shall notify such licensee in writing by first class mail 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 10 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.

#### D. 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. 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. The licensee may appeal the conditions as provided in subsection below. If the licensee fails to comply with the imposed conditions, the Director may revoke the license.

#### E. Appeal.

Any licensee may, within 10 days from the date that the denial, revocation, or conditional license notice was 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 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, 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 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. Where conditions exist that are deemed hazardous to life or property, or where the owner or his or her employee or agent has knowingly permitted a violation of the uniform controlled substances act, a violation of any law against gambling, or a violation of any law against prostitution within the business, the public official in charge is authorized to immediately stop such hazardous conditions that are in violation of this code, up to and including closing the business operation. Such order and demand may be oral or written.~~

~~B. At the time the Director notifies the licensee of the summary suspension, either by mail or hand delivery, the Director shall also schedule a hearing to be held within 3 business days from the date of the notice of summary suspension. Where an oral summary suspension is ordered or demanded by a public official the Director shall schedule a hearing to be held within 3 business days from the date of the summary suspension and the licensee will be notified by mail, facsimile, email, personal service or hand delivery. Such notices shall state the time and place of the hearing.~~

~~The decision of the Director shall be final. The licensee may, within 10 days from the date of the Director's decision, 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 summary suspension and reinstate the license or registration, 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 Hearing Examiner's decision.~~

~~(Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 28007 Ex. A; passed Jul. 26, 2011; Ord. 27588 Ex. A; passed Feb. 20, 2007)~~

**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 Tacoma Municipal Code, 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 activity at the site. Such order and demand may be oral or written.

Failure to comply with the orders of the City of Tacoma official is a misdemeanor. .

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

1. Conditions that exist that are deemed hazardous to life or property.

2. The owner or his or her 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 the business.

3. Unlicensed operations or unlawful occupancy.

C. Conditional License. The Director has the discretion to issue a conditional license, 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. The conditions imposed must be directed at remedying the violations in this subsection or taking proactive measures to prevent the violations in this subsection from occurring in the future. The licensee may appeal the conditions as provided in subsection below. If the licensee fails to comply with the imposed conditions, the Director shall revoke the license.

D. Hearing Notice. At the time the Director or public official notifies the licensee of the summary suspension, either by mail, hand delivery, or by posting the notice of summary suspension in a prominent location on the premises, the Director shall also schedule a hearing to be held within 3 business days from the date of the notice of summary suspension. Where an oral summary suspension is ordered by a public official, the Director shall schedule a hearing to be held within 3 business days from the date of the summary suspension and the licensee will be notified of the summary suspension and hearing by mail, facsimile, email, personal service, or hand delivery. Such notices shall state the time and place of the hearing.

The decision of the Director shall be final. The licensee may, within 10 days from the date of the Director's decision, 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 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 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 Hearing Examiner's decision.

**6B.10.150 Statute of limitations—Unlicensed licensees.**

With regard to unlicensed licensees, no assessment or correction of an assessment for additional fees and penalties may be made due by the Director more than four years after the close of the calendar year, except upon showing of

~~the licensee's failure to file a license application as and when required under this chapter, which failure to file a license application resulted from the licensee's willful and fraudulent intent to avoid payment of the required fees.~~

(Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **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 the ir initial application, the fee paid shall be returned to the applicant by the City, together with notice that the application has been withdrawn; provided that no refund shall be made where the applicant 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.

~~C. Overpayment. If, upon request by a licensee for a refund or upon an examination of the records of any licensee, it is determined by the Director that a fee has been paid in excess of that properly due, the excess amount paid shall be credited to the licensee's account or shall be refunded to the licensee. No refund or credit shall be allowed with respect to any payment made to the Director more than four years before the date of such request or examination.~~ C. No renewal license fee shall be refunded to a licensee or credited to a licensee's account.

(Ord. 28207 Ex. A; passed Mar. 18, 2014; 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. if~~

~~(Ord. 28401 Ex. A; passed Dec. 6, 2016; 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~~subtitle, 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. 28401 Ex. A; passed Dec. 6, 2016; Ord. 27588 Ex. A; passed Feb. 20, 2007; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **6B.10.190 Investigations and background checks.**

A. All ~~licensees~~applications for licenses shall be investigated by such departments or officers of the City as the Director may determine.

B. All ~~licensees~~applicants for a license may be subject to a state and/or federal criminal background check, and the results of such check may be sufficient grounds for denial of a license.

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

#### **6B.10.195 Public work contracts – Payment of license fee before final payment for work.**

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

#### **6B.10.200 Death of licensee – Continuation of license.**

In case of the death of any licensee before the expiration of his or her license, his or her administrator or executor, duly appointed as such by order of court, may continue to act under said license for the unexpired term thereof upon filing with the City proof of such appointment.

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

#### **6B.10.210 \_\_\_\_\_ Notice of right to suspend or revoke.**

~~Every license issued pursuant to the provisions of this subtitle shall state thereon, in substance, that such license is issued in consideration of the fee paid therefor and that the same is subject to suspension or revocation in the manner provided in this chapter.~~

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

#### **6B.10.220 Assignment Transfer of licenses.**

~~A. No license may be assigned or transferred, except:~~ A license may only be transferred when any of the following conditions exist:

1. Where a licensee person shall consists of a partnership and there occurs a change in the membership thereof;

2. Where a sole proprietor incorporates or forms a limited liability company; or

3. Where a corporation dissolves and former shareholders succeed to its interest, then a transfer shall be authorized if and the beneficial owners originally procuring the license shall retain not less than a 50 percent interest in said successor entity, ~~and appropriate application is made for the transfer of said license.~~

~~B. A request for transfer shall be made and shall contain all information required in the original application for license, and the prospective transferee shall pay a transfer fee of \$50 and the transfer shall be subject to all terms, conditions, and requirements of the original application, except that the only fee required therefor shall be as above set forth.~~

~~C. If When a license is transferred and issued to the new licensee upon the request for transfer, the term of such license shall be only for the unexpired term of the original license, and thereafter a new or renewal application shall be required by the new licensee made.~~

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

#### **~~6B.10.230 — Licenses subject to specific controls.~~**

~~The issuance of a license pursuant to the terms of this subtitle and all activities of any licensee granted a license hereunder shall at all times be subjected to all ordinances and regulations of the City enacted in the exercise of its police power, and the prohibition or regulation of any specific activity or sale of commodity by specific ordinance shall prevail over the terms and conditions of this subtitle wherever they may conflict.~~

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

#### **~~6B.10.240 — Engaging in activity without license — Penalty.~~**

~~Unlicensed operations and unlawful occupancy shall be subject to summary suspension. At the order and demand of the City of Tacoma official occupants shall be required to immediately vacate the building and cease and desist all activity at the site. Such order and demand may be oral or written. Failure to comply with the orders of the City of Tacoma official may result in a criminal citation being issued to the responsible party or parties. Such order and demand may be oral or written.~~

~~Any person engaging in any activity for which a license is required pursuant to the provisions of this subtitle, without making an application for a license at the time of the commencement of said activity, shall pay, in addition to the license fees set forth herein, the penalty as set forth in Section 6B.10.090 and shall be subject to such further penalties as set forth herein.~~

~~The mere filing of an application for a license shall not give the applicant any right to engage in the activity covered thereby.~~

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

#### **~~6B.10.245 — License constitutes debt.~~**

~~Any license fee due and unpaid under this Title 6, and all interest and penalties thereon, shall constitute a debt to the City and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.~~

(Ord. 28207 Ex. A; passed Mar. 18, 2014)

#### **6B.10.250 Separate offenses.**

Each day that any person shall operate any device, vehicle, or thing, or engage in any business, calling, profession, trade, occupation, or activity licensed herein without having procured a valid existing license as provided for by this subtitle shall constitute a separate offense, ~~and be punished as such.~~

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

#### **6B.10.255 Charge-off of uncollectible fees.**

The Director may charge off, in accordance with TMC 1.06.226, any license fee or penalty that is owed by a licensee or licensee, if the Director reasonably ascertains that the cost of collecting such amounts would be greater than the total amount that is owed or likely to be collected from the licensee.

(Ord. 28207 Ex. A; passed Mar. 18, 2014)



#### **6B.10.257 Closing 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.

(Ord. 28207 Ex. A; passed Mar. 18, 2014)

#### **6B.10.260 Violations – Penalties.**

A. Unless another criminal penalty has been prescribed for a violation of a specific provision of this chapter, violation of any of the provisions of Subtitle 6B is a misdemeanor. Any person violating or failing to comply with any of the provisions of this subtitle or any lawful rule or regulation adopted by the Director pursuant thereto, upon conviction thereof, may be punished by a fine in any sum not to exceed \$1,000, or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment.

B. Any person violating or failing to comply with any of the provisions of this subtitle, or any lawful rule or regulation adopted by the Director pursuant thereto, may also be subject to a civil penalty as described below for each day during which the business is carried on in violation of this subtitle. Civil penalties may continue to accumulate each day until the person comes into compliance with the provisions of this subtitle.

~~The City will have discretion to impose a civil penalty. It is the responsibility of the business owner to contact appropriate city staff to request inspection for compliance with this code.~~

C. Civil Penalty. Penalties for violations of this chapter may be assessed in the amount of \$250.

D. Penalties: main procedural requirements.

1. The City shall give notice of the penalty.

2. The notice shall state-

(a) that the City has imposed a penalty against the person concerned;

(b) the amount of the penalty;

(c) the code violation for which the City considers gave it the power to impose the penalty;

(d) any other facts which the City considers justify the imposition of a penalty and the amount or amounts of the penalty;

~~(e) the manner in which, and place at which, the penalty is required to be paid to the City;~~

~~(e)f) that the person concerned has the right to request an Administrative Review under 6B.10.265, and the main details of those rights;~~

(f) that penalties may accumulate each day until the person comes into compliance with the provisions of this subtitle.

3. A notice under this section shall be given by:

(a) ~~first class mail~~delivery to the person on whom the penalty was imposed; or

(b) served directly to the person on whom the penalty is imposed; or

(c) posted on the property.

~~4. Civil penalties will continue to accumulate until the person comes into compliance with the provisions in this subtitle. A Certificate of Complaint may also be filed where the person is required to obtain a Provisional Rental~~

~~License in Chapter 6B.165. the person owns the property. Where the person is leasing or renting a judgment may be filed against the person.~~

~~E. Once a Certificate of Complaint has been filed, t~~The City of Tacoma may place a utility restraint on the property.

~~F. A license may be suspended or revoked in accord with Section 6B.10.140 or 6B.10.145 above.~~

~~G. Any person convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor and may be punished by a fine not to exceed \$5,000 or imprisonment not to exceed one year, or both such fine and imprisonment.~~

~~H~~F. Penalties ~~or punishments~~ provided in this subtitle may be in addition to all other penalties provided by law.

(Ord. 28007 Ex. A; passed Jul. 26, 2011; Ord. 27938 Ex. A; passed Nov. 2, 2010; Ord. 27588 Ex. A; passed Feb. 20, 2007; Ord. 27406 § 3; passed Aug. 30, 2005; Ord. 27297 § 1; passed Nov. 23, 2004)

#### **6B.10.262 Cancellation of civil penalties.**

~~A.~~The Director may cancel any civil penalties imposed under Section 6B.10.260 if the person comes into compliance within 5 ~~calendar-business~~ days of the notice or shows that its failure to comply was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the person shows that it exercised ordinary business care and prudence in making arrangements to comply but was nevertheless, due to circumstances beyond the person's control, unable to comply. The Director has no authority to cancel any other penalties or to cancel penalties for any other reason ~~other than specified in this chapter.~~

(Ord. 27938 Ex. A; passed Nov. 2, 2010; Ord. 27588 Ex. A; passed Feb. 20, 2007)

#### **6B.10.265 Administrative reviews by the director of Notice of Penalty – Appeal.**

A. General. A person, to whom a Notice of Penalty for a civil penalty is assessed, may request an administrative review of the Notice of the civil penalty.

B. How to request administrative review. A person may request an administrative review of the Notice of the civil penalty by filing a written request with the director of the department or division listed as the contact, within ten calendar days from the date of the Notice of the civil penalty. The request shall state, in writing, the reasons the director should review the Notice for the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the director shall review the information provided.

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

D. Appeals to the Hearing Examiner of Directors Decision. Appeal of the director's decision shall be made within 10 calendar days after the date of the director's decision 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.

(Ord. 28207 Ex. A; passed Mar. 18, 2014; Ord. 27874 Ex. A; passed Feb. 23, 2010; Ord. 27588 Ex. A; passed Feb. 20, 2007)

#### **6B.10.268 Additional relief.**

The director may seek any legal or equitable relief available at any time to mitigate any acts or practices that violate the provisions in subtitle 6B or abate any condition that constitutes a violation of subtitle 6B.

(Ord. 27588 Ex. A; passed Feb. 20, 2007)

#### **6B.10.270 Severability.**

If any provision of this Subtitle 6B or its application to any person or circumstance is held invalid, the remainder of the subtitle or the application of the provision to other persons or circumstances shall not be affected.

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



