



Legislation Text

File #: CB 120619, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to amusement device licenses; repealing the requirement for an amusement device license; repealing Chapter 5.32 of the Seattle Municipal Code; and amending Sections 5.30.010, 5.30.020, 5.30.060, 5.55.010, 5.55.030, 5.55.040, 5.55.060, 5.55.150, 5.55.165, 5.55.220, 5.55.230, 6.208.020, and 6.208.050 of the Seattle Municipal Code.

WHEREAS, COVID-19 heavily impacted Seattle’s local business economy, forcing many retailers to shut down their operations or relinquish their office space, leaving Seattle with many vacant storefronts; and

WHEREAS, the amusement device licensing requirement presents an unnecessary barrier to entry for amusement-oriented businesses, hindering the evolution and revitalization of Seattle’s economy as the city transitions to a post-pandemic environment; and

WHEREAS, the amusement device licensing fee doesn’t provide a robust funding resource for the City; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 5.32 of the Seattle Municipal Code, last amended by Ordinance 124963, is repealed:

~~((CHAPTER 5.32 REVENUE CODE~~

~~Subchapter I General Provisions~~

~~5.32.020 Exercise of power to license for revenue.~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City to license for revenue and regulation. The provisions of this chapter are subject to periodic statutory or administrative rule changes or judicial interpretations of the ordinances or rules. The responsibility rests with the licensee to reconfirm tax~~

~~computation procedures and remain in compliance with the City code.~~

Subchapter II Amusement Devices

5.32.150 Amusement license required

~~No person shall own any amusement device available for public use without having first obtained an amusement device license issued in accordance with the provisions of this Chapter 5.32. The license shall be attached to the amusement device at all times when in use or play or available for use or play so that it is readily visible. This license is in addition to the business license tax certificate required in Section 5.55.030 and the business license required under Section 6.208.010.~~

5.32.160 Exemptions.

~~No amusement device license is required under this chapter for an amusement device if:~~

~~A. An admissions tax is collected upon its use pursuant to Ordinance 72495, as now or hereafter amended; or~~

~~B. The maximum price for one (1) use or one (1) play is less than Twenty-five Cents (\$.25).~~

5.32.170 License fees.

~~A. The license fee for any amusement device which is operated or activated by the insertion of a coin, currency, token, credit card, debit card or other payment medium shall be based upon the minimum price levied for one (1) play or one (1) use of the device. The annual license fee shall be one hundred (100) times the price of one (1) play or use of the device rounded to the next highest Fifty Dollars (\$50). The maximum license fee shall be Fifteen Hundred Dollars (\$1,500) per device per year, with the following exceptions:~~

~~1. The license fee for a countertop device or electronic dart board shall not exceed Twenty-five Dollars (\$25); and~~

~~2. The license fee for a pool table, billiard table, shuffle board, jukebox or other music device shall not exceed Fifty Dollars (\$50).~~

~~B. The license fee for any amusement device which is not operated or activated by the insertion of a~~

coin, currency, token, credit card, debit card or other payment medium shall be Five Hundred Dollars (\$500) per year; except the license for a pool table, billiard table or shuffle board shall not exceed Fifty Dollars (\$50) per year.

C. ~~The operator of an event, not to exceed three (3) calendar days in length, may obtain a Special Event License in lieu of the amusement device license required under this chapter. The fee for the license shall be Five Dollars (\$5) per device offered for play at such event; provided, the minimum fee shall be Twenty-five Dollars (\$25) and the maximum fee shall be One Hundred Dollars (\$100).~~

D. ~~Revenue from the operation of devices, whether licensed or unlicensed, is subject to the provisions of Chapter 5.45 of the Seattle Municipal Code.~~

~~5.32.190 Records Location of devices.~~

~~Any person licensed pursuant to this subchapter shall maintain records showing the location of each amusement device license issued to such person. Upon request of the Director, a list specifying the locations shall be provided.~~

~~5.32.200 Unlawful acts.~~

~~In addition to the unlawful acts contained in SMC Section 5.55.220 the following are also unlawful acts.~~

A. ~~It is unlawful for any person in charge of any place or location to permit or allow to be used or played in such place any amusement device not having attached thereto an amusement device license.~~

B. ~~It is unlawful for the owner of any amusement device to fail to display his or her name and current address on each amusement device when in use or play or available for use or play.~~

C. ~~It is unlawful for the any person in charge of any place or location to permit or allow to be used or played in such place any amusement device not having attached thereto the name and current address of the owner of the amusement device.~~

D. ~~Remedial action by the City may include fines and imprisonment as provided for in SMC Section 5.55.220.))~~

Section 2. Section 5.30.010 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.30.010 Definition provisions

The definitions contained in this Chapter 5.30 shall apply to ~~((the following chapters of the Seattle Municipal Code:))~~ Chapters ~~((5.32 (Amusement Devices),))~~ 5.35 (Commercial Parking Tax), 5.38 (Payroll Expense Tax), 5.39 (Transportation Network Company Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax-Utilities), 5.50 (Firearms and Ammunition Tax), 5.52 (Gambling Tax), 5.53 (Sweetened Beverage Tax), and 5.55 (General Administrative Provisions) unless expressly provided for otherwise therein, and shall also apply to other chapters and sections ~~((of the Seattle Municipal Code in the manner and to the extent))~~ as expressly indicated in each chapter or section. Words in the singular number shall include the plural and the plural shall include the singular. Words in one gender shall include all other genders.

Section 3. Section 5.30.020 of the Seattle Municipal Code, last amended by Ordinance 126767, is amended as follows:

5.30.020 Definitions, A-B

* * *

C. ~~(("Amusement device." Any machine or device which provides recreation or entertainment for which a charge is made for use or play. It includes, but is not limited to, pool and billiard tables, shuffleboards, music machines, video games, pinball games, riding devices, panoram and peepshow devices, televisions and devices for display of pictures or views on film; provided, that it does not mean or include any machine or device used exclusively for the vending of merchandise.))~~ Reserved.

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Section 4. Section 5.30.060 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.30.060 Definitions, T-Z

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C. "Taxpayer" means any ~~((("))~~person~~((," as herein defined,))~~ required by Chapter 5.55 to have a business license tax certificate, or liable for any license, tax, or fee, or for the collection of any tax or fee, under Chapters ~~((5.32 (Revenue Code),))~~ 5.35 (Commercial Parking Tax), 5.38 (Payroll Expense Tax), 5.39 (Transportation Network Company Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.47 (Heating Oil Tax), 5.48 (Business Tax-Utilities), 5.50 (Firearms and Ammunition Tax), 5.52 (Gambling Tax), and 5.53 (Sweetened Beverage Tax), or who engages in any business or who performs any act for which a tax or fee is imposed under those chapters.

* * *

Section 5. Section 5.55.010 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.010 Application of chapter stated

Unless expressly stated to the contrary in each chapter, the provisions of this Chapter 5.55 shall apply with respect to the licenses and taxes imposed under this Chapter 5.55 and Chapters ~~((5.32 (Amusement Devices),))~~ 5.35 (Commercial Parking Tax), 5.38 (Payroll Expense Tax), 5.39 (Transportation Network Company Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax-Utilities), 5.50 (Firearms and Ammunition Tax), 5.52 (Gambling Tax), 5.53 (Sweetened Beverage Tax), and under other titles, chapters, and sections in such manner and to such extent as indicated in each such title, chapter, or section.

Section 6. Section 5.55.030 of the Seattle Municipal Code, last amended by Ordinance 125720, is amended as follows:

5.55.030 License requirements - Minimum license threshold

A. No person, unless specifically exempted, shall engage in any business activity, profession, trade, or occupation in the City without having first obtained and being the holder of a valid and subsisting license to do

so, to be known as a "business license tax certificate."

((Effective January 1, 2017, through December 31, 2017, the fee for the business license tax certificate shall be:

1. ~~Fifty five dollars for persons with taxable gross income of the business and value of products of less than \$20,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$27.50 for such persons beginning their activity on or after July 1;~~

2. ~~One hundred ten dollars for persons with taxable gross income of the business and value of products of \$20,000 or more but less than \$500,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$55 for such persons beginning their activity on or after July 1;~~

3. ~~Four hundred eighty dollars for persons with taxable gross income of the business and value of products of \$500,000 or more but less than \$2,000,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$240 for such persons beginning their activity on or after July 1;~~

4. ~~One thousand dollars for persons with taxable gross income of the business and value of products of \$2,000,000 or more in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$500 for such persons beginning their activity on or after July 1.~~

Effective January 1, 2018 to December 31, 2018, the fee for the business license tax certificate shall be:

1. ~~Fifty five dollars for persons with taxable gross income of the business and value of products of less than \$20,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$27.50 for such persons beginning their activity on or after July 1;~~

~~2. One hundred ten dollars for persons with taxable gross income of the business and value of products of \$20,000 or more but less than \$500,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$55 for such persons beginning their activity on or after July 1;~~

~~3. Four hundred eighty dollars for persons with taxable gross income of the business and value of products of \$500,000 or more but less than \$2,000,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$240 for such persons beginning their activity on or after July 1;~~

~~4. One thousand dollars for persons with taxable gross income of the business and value of products of \$2,000,000 or more but less than \$5,000,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$500 for such persons beginning their activity on or after July 1.~~

~~5. Two thousand dollars for persons with taxable gross income of the business and value of products of \$5,000,000 or more in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$1,000 for such persons beginning their activity on or after July 1.))~~

Effective January 1, 2019 to December 31, 2019, the fee for the business license tax certificate shall be:

1. Fifty-five dollars for persons with taxable gross income of the business and value of products of less than \$20,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$27.50 for such persons beginning their activity on or after July 1;

2. One hundred ten dollars for persons with taxable gross income of the business and value of products of \$20,000 or more but less than \$500,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$55 for such persons

beginning their activity on or after July 1;

3. Five hundred dollars for persons with taxable gross income of the business and value of products of \$500,000 or more but less than \$2,000,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$250 for such persons beginning their activity on or after July 1;

4. One thousand two hundred dollars for persons with taxable gross income of the business and value of products of \$2,000,000 or more but less than \$5,000,000 in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$600 for such persons beginning their activity on or after July 1.

5. Two thousand four hundred dollars for persons with taxable gross income of the business and value of products of \$5,000,000 or more in the most recent complete calendar year that engage in any business activity, profession, trade, or occupation in the City prior to July 1 and \$1,200 for such persons beginning their activity on or after July 1.

On January 1, 2020 and on January 1 of every year thereafter, the fees for the business license tax certificate shall be increased for all persons consistent with the rate of growth of the prior year's June-to-June Consumer Price Index (CPI-U) for the Seattle-Tacoma-~~(Bremerton))~~Bellevue area as published by the United States Department of Labor. To calculate the new annual fees, each prior year's fee will be multiplied by the sum of one and the annual percent change in the CPU-U. If the annual change in the CPI-U is negative, no adjustment shall be made for the year. The amount of the fees so calculated will be rounded to the nearest whole dollar.

The fee shall accompany the application for the license. Persons who did not engage in business in the City in the most recent complete calendar year shall pay the minimum full or partial year fee amount at the time of application and the Director shall bill the person after the conclusion of the calendar year of the application for any remaining amount based on the fee schedule in this subsection 5.55.030.A and the person's taxable

gross income of the business and value of products during the calendar year of the application.

The business license tax certificate shall expire at the end of the calendar year for which it is issued. The business license tax certificate shall be personal and nontransferable except as provided in subsection ((~~5.55.030.G~~)) 5.55.030.F. Applications for the business license tax certificate shall be made to the Director of Finance and Administrative Services on forms provided by the Director. Each business license tax certificate shall be numbered, shall show the name, place, and character of the business of the licensee, and such other information as the Director deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued.

If the licensee changes the place of business, the licensee shall return the business license tax certificate to the Director and a new business license tax certificate shall be issued for the new place of business free of charge.

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~~((F. Licenses for amusement devices will be in addition to this business license tax certificate and will be assessed pursuant to Section 5.32.170. It is unlawful for any person to own any amusement device, which is available for use by the public, without having first obtained an amusement device license issued in accordance with the provisions of this Chapter 5.55 and Chapter 5.32. The license shall be attached to the amusement device at all times when in use or play or available for use or play so that it is readily visible. The amusement device license will be prorated semi-annually in the same manner as the business license tax certificate; however, the amusement device license expires annually on November 30th.~~

G.) F. A business license tax certificate ((~~or amusement device license~~)) cannot be assigned or transferred, except that a license may be transferred:

1. To the surviving or new corporation, whenever the licensed corporation is merged or consolidated pursuant to ((~~RCW Chapter~~)) chapter 23B.11 RCW, as ((~~now or hereafter~~)) amended;
2. To the surviving partner, or to a new partnership which consists exclusively of the surviving

partners, whenever one partner of a licensed partnership dies;

3. To the surviving spouse, whenever one spouse of a licensed marital community dies;

4. To any one or more former partners, whenever a licensed partnership is dissolved and one or more of the former partners of the licensed partnership continue the operation of the business as an individual proprietorship or partnership without the addition of any new partner, and all of the other former partners consent in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;

5. To one spouse, whenever a licensed marital community is dissolved and the other spouse consents in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;

6. 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.

As used in this subsection 5.55.030.F, the term "partnership" includes joint venture, and the term "partner" includes a co-venturer.

~~((H.))~~ G. Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than \$2,000 and who does not maintain a place of business within the City shall be exempt from the business license tax certificate requirements in this Chapter 5.55.

Section 7. Section 5.55.040 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.040 When due and payable - Reporting periods - Monthly, quarterly, and annual returns - Threshold provisions - Computing time periods - Failure to file returns

A. Other than any annual license fee or registration fee assessed under this Chapter 5.55, the taxes imposed by Chapters ~~((5.32 (Amusement Devices),))~~ 5.35 (Commercial Parking Tax), 5.38 (Payroll Expense

Tax), 5.39 (Transportation Network Company Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax-Utilities), 5.50 (Firearms and Ammunition Tax), 5.52 (Gambling Tax), and 5.53 (Sweetened Beverage Tax) shall be due and payable in quarterly installments. The Director may use discretion to assign businesses to a monthly or annual reporting period depending on the tax amount owing or type of tax. Taxes imposed by subsections 5.52.030.A.2 and 5.52.030.B.2 for punch boards and pull-tabs shall be due and payable in monthly installments. Tax returns and payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return. Effective January 1, 2021, tax returns and payments are due on or before the time as provided in RCW 82.32.045(1), (2), and (3).

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Section 8. Section 5.55.060 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.060 Records to be preserved - Examination - Inspection - Search warrants - Estoppel to question assessment

A. Every person liable for any fee or tax imposed by this Chapter 5.55 and Chapters (~~(5.32,)~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53 shall keep and preserve, for a period of five years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable; which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records, papers, invoices, ticket stubs, vendor lists, gambling games, and payout information, inventories, stocks of merchandise, and other data, including federal income tax and state tax returns, and reports needed to determine the accuracy of any taxes due, shall be open for inspection or examination at any time by the Director or a duly authorized agent. Every person's business premises shall be open for inspection or examination by the Director or a duly authorized agent. For the purposes of this Section 5.55.060, for the tax imposed by Chapter 5.53, "business premises" means wherever the person's business records and tax documents are maintained and does not mean every site owned or operated by the person.

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Section 9. Section 5.55.150 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.150 Appeal to the Hearing Examiner

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E. The Hearing Examiner shall ascertain the correct amount of the tax, fee, interest, or penalty due either by affirming, reversing, or modifying an action of the Director. Reversal or modification is proper if the Director's assessment or refund denial violates the terms of this Chapter 5.55, or Chapters 5.30, ~~((5.32,))~~ 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, or 5.53.

Section 10. Section 5.55.165 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.165 Director of Finance and Administrative Services to make rules

The Director of Finance and Administrative Services shall have the power and it shall be the Director's duty, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this Chapter 5.55, with Chapters 5.30, ~~((5.32,))~~ 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, or 5.53, or with law for the purpose of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with any such rule or regulation.

Section 11. Section 5.55.220 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.220 Unlawful actions - Violation - Penalties

A. It shall be unlawful for any person subject to the provisions of this Chapter 5.55 or Chapters ~~((5.32,))~~ 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53:

1. To violate or fail to comply with any of the provisions of this Chapter 5.55, or Chapters ~~((5.32,))~~ 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53, or any lawful rule or regulation adopted by

the Director;

2. To make or manufacture any license required by this Chapter 5.55 except upon authority of

the Director;

3. To make any false statement on any license, application, or tax return;

4. To aid or abet any person in any attempt to evade payment of a license fee or tax;

5. To refuse admission to the Director to inspect the premises and/or records as required by this Chapter 5.55, or to otherwise interfere with the Director in the performance of duties imposed by Chapters ((~~5.32,~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53;

6. To fail to appear or testify in response to a subpoena issued pursuant to Section 3.02.120 in any proceeding to determine compliance with this Chapter 5.55 and Chapters ((~~5.32,~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53;

7. To testify falsely in any investigation, audit, or proceeding conducted pursuant to this Chapter 5.55;

8. To continue to engage in any business activity, profession, trade, or occupation after the revocation of or during a period of suspension of a business license tax certificate issued under Section 5.55.030; or

9. In any manner, to hinder or delay the City or any of its officers in carrying out the provisions of this Chapter 5.55 or Chapters ((~~5.32,~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, and 5.53.

B. Each violation of or failure to comply with the provisions of this Chapter 5.55, or Chapters ((~~5.32,~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, or 5.53 shall constitute a separate offense. Except as provided in subsection 5.55.220.C, any person who commits an act defined in subsection 5.55.220.A is guilty of a gross misdemeanor, punishable in accordance with Section 12A.02.070. The provisions of Chapters 12A.02 and 12A.04 apply to the offenses defined in subsection 5.55.220.A, except that liability is absolute and none of the mental states described in Section 12A.04.030 need be proved.

C. Except as provided in subsections 5.55.220.C.1 and 5.55.220.C.2 (~~(of this section)~~), each violation of ~~((SMC)) Sections ((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 is a Class 1 civil infraction as contemplated by ~~((RCW Chapter))~~ chapter 7.80 RCW, for which the penalty is ~~((Two Hundred Fifty Dollars (\$250.00)))~~ \$250 plus statutory assessments. Each day a person is in violation of ~~((SMC)) Sections ((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 is a separate violation and the monetary penalties shall accumulate. A civil infraction under these sections shall be processed in the manner contemplated by ~~((RCW Chapter))~~ chapter 7.80 RCW and notices of infraction for such violations may be issued by law enforcement officers or the Director, or the Director's designees, including License and Standards Inspectors.

1. Each person who commits a violation of ~~((SMC)) Sections ((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 after having been found to have committed a previous violation of the same ~~((SMC))~~ section is guilty of a gross misdemeanor punishable in accordance with ~~((SMC))~~ Section 12A.02.070. Each day a person is in violation of ~~((SMC)) Sections ((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 shall be a separate violation.

2. If a corporation commits a violation of ~~((SMC)) Sections ((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 after having been found to have committed a previous violation of the same ~~((SMC))~~ section then any individual who would be criminally liable for the corporation's acts, pursuant to ~~((SMC))~~ Sections 12A.04.110, 12A.04.120, 12A.04.130 or any other provision of the Seattle Municipal Code, is guilty of a gross misdemeanor punishable in accordance with ~~((SMC))~~ Section 12A.02.070, whether or not the individual has been found to have committed a previous violation of the same ~~((SMC))~~ section. Each day a person is in violation of ~~((SMC))~~ Sections ~~((5.32.150,))~~ 5.40.080, 5.52.020, or 5.55.030 shall be a separate violation. For purposes of this subsection 5.55.220.C.2, corporation shall have the meaning as set forth in ~~((SMC))~~ Section 12A.04.110.

Section 12. Section 5.55.230 of the Seattle Municipal Code, last amended by Ordinance 126108, is amended as follows:

5.55.230 Denial, revocation of, or refusal to renew business license tax certificate

A. The Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to

renew any business license tax certificate (~~((or amusement device license))~~) issued under the provisions of this Chapter 5.55. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail in accordance with Section 5.55.180 of the denial of, revocation of, or refusal to renew the license and on what grounds such a decision was based. The Director may deny, revoke, or refuse to renew any business license tax certificate or other license issued under this Chapter 5.55 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.
2. The licensee has failed to comply with any provisions of this Chapter 5.55.
3. The licensee has failed to comply with any provisions of Chapters (~~(5.32,)~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, or 5.53.
4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.

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Section 13. Section 6.208.020 of the Seattle Municipal Code, last amended by Ordinance 126595, is amended as follows:

6.208.020 Denial, revocation of, or refusal to renew business license

A. In addition to any other powers and authority provided under this Title 6, the Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to renew any business license issued under the provisions of this Chapter 6.208. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail of the denial, revocation of, or refusal to renew the license and on what grounds such a decision was based. The Director may deny, revoke, or refuse to renew any license issued under this Chapter 6.208 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.
2. The licensee has failed to comply with any provisions of this Chapter 6.208.
3. The licensee has failed to comply with any provisions of Chapters (~~(5.32,)~~) 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52.

4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.
5. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09.
6. The applicant or licensee has been convicted of theft under subsection 12A.08.060.A.4 within the last ten years.
7. The applicant or licensee is a person subject within the last ten years to a court order entering final judgment for violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207, and the judgment was not satisfied within 30 days of the later of either:
 - a. The expiration of the time for filing an appeal from the final judgment order under the court rules in effect at the time of the final judgment order; or
 - b. If a timely appeal is made, the date of the final resolution of that appeal and any subsequent appeals resulting in final judicial affirmation of the findings of violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207.
8. The applicant or licensee is a person subject within the last ten years to a final and binding citation and notice of assessment from the Washington Department of Labor and Industries for violations of chapters 49.46, 49.48, or 49.52 RCW, and the citation amount and penalties assessed therewith were not satisfied within 30 days of the date the citation became final and binding.
9. Pursuant to relevant provisions in Title 8, subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, 14.20.080.A.4, 14.22.115.A.4, 14.23.115.A.4, 14.26.210.A.4, 14.27.210.A.4, 14.28.210.A.4, 14.30.180.A.4, 14.33.210.A.4, and 14.34.210.A.4, subsection 100.240.A.4 of Ordinance 126091, subsection 100.240.A.4 of Ordinance 126094, and subsection 100.240.A.4 of Ordinance 126274, the applicant or licensee has failed to comply, within 30 days of service of any settlement agreement, with any final order issued by the Director of the Office of Labor Standards, or any final order issued by the Hearing Examiner under Title 8, Chapters 14.16, 14.17, 14.19, 14.20, 14.22, 14.23, 14.26, 14.27, 14.28, 14.29, 14.30, 14.33, and 14.34,

Ordinance 126091, Ordinance 126094, and Ordinance 126274 for which all appeal rights have been exhausted, and the Director of the Office of Labor Standards has requested that the Director deny, refuse to renew, or revoke any business license held or requested by the applicant or licensee. The denial, refusal to renew, or revocation shall remain in effect until such time as the violation(s) under Title 8, Chapters 14.16, 14.17, 14.19, 14.20, 14.22, 14.23, 14.26, 14.27, 14.28, 14.29, 14.30, 14.33, and 14.34, Ordinance 126091, Ordinance 126094, and Ordinance 126274 are remedied.

10. The business is one that requires an additional license under this Title 6 and the business does not hold that license.

11. The business has been determined under a separate enforcement process to be operating in violation of law.

* * *

Section 14. Section 6.208.050 of the Seattle Municipal Code, last amended by Ordinance 125720, is amended as follows:

6.208.050 Exemptions

Any person exempt under Section 5.45.090 or subsection (~~(5.55.030.H)~~) 5.55.030.G from obtaining a business license tax certificate is exempt from obtaining a business license under this Chapter 6.208. This exemption does not apply to other licenses required under this Title 6 or activities that require a special permit.

Section 15. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this ____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)