

ORIGINAL

ORDINANCE NO. 345

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPEALING TITLE 5.05 OF THE SHORELINE MUNICIPAL CODE AND ADOPTING A NEW SECTION 5.07 REGARDING SPECIALTY BUSINESS LICENSES

WHEREAS, on July 31, 1995 the Shoreline City Council passed Ordinance No. 34 adopting Title 6 of the King County Code as the City's Interim Business Licenses and Regulation Code; and

WHEREAS, many of the regulations adopted at that time had not been amended for more than ten years; and

WHEREAS, the King County Code as adopted was not a general business licensing requirement, but simply listed a series of types of businesses to be licensed; and

WHEREAS, until January 1, 2002 King County handled the issuance of these specialty business licenses and administered Title 5.05 of the Shoreline Municipal Code; and

WHEREAS, on January 1, 2002 the City of Shoreline assumed responsibility for the issuance and administration of its specialty business licenses, with the exception of taxicabs; and

WHEREAS, the City Council has determined that certain specialty business licenses should no longer be required; and

WHEREAS, the City Council has determined that the regulations administering the licensing program for the remaining businesses should be updated and available to the public as part of the Shoreline Municipal Code; and

WHEREAS, the City Council wishes to retain King County as the licensing authority for taxicabs and for-hire vehicles;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Repeal. Chapter 5.05 of the Shoreline Municipal Code is hereby repealed.

Section 2. New Chapter: Regulatory Business Licenses. A new Chapter 5.07 "Regulatory Business Licenses" is added to the Shoreline Municipal Code as follows:

Section 5.07.000	REGULATORY BUSINESS LICENSES
Section 5.07.010	Chapter and purpose
Section 5.07.020	Definitions—general
Section 5.07.030	License required—fee—term—notices
Section 5.07.040	License application—form
Section 5.07.050	License application—other requirements
Section 5.07.060	License application—approval or disapproval procedure--appeals
Section 5.07.070	License—display—nontransferability—responsibility
Section 5.07.080	License renewal—late fee
Section 5.07.090	License—revocation
Section 5.07.100	Violation—penalty
Section 5.07.110	Additional enforcement
Section 5.07.200	Public Dances
Section 5.07.300	Regulated Massage Businesses
Section 5.07.400	Pawnbrokers
Section 5.07.500	Secondhand Dealers
Section 5.07.600	Solicitors
Section 5.07.700	Taxis—businesses and drivers

5.07.010 Chapter and purpose. This chapter provides license requirements for certain businesses and activities that require an extra level of scrutiny because they may have impacts on the health, safety and welfare of the community.

5.07.020 Definitions—general

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

- A. "Business" is any commercial enterprise, profession or activity conducted by any person or persons on any premises in the City.
- B. "City" means the City of Shoreline, Washington.
- C. "Clerk" means such city employees or agents as the city manager shall designate to administer this chapter, or any designee thereof.
- D. "Conviction" means an adjudication or conviction of guilt and occurs at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceeding including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction also means a bail forfeiture and includes all instances in which a plea of nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspends.

ORIGINAL

E. "License" is legal permission to operate or own a specified thing, or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

F. "Person" includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations, or any officer, agent, employee, or any kind of personal representative of any officer, agent, employee thereof, in any capacity, acting either for himself, or any other person, under either personal appointment or pursuant to the law.

G. "Premises" includes all lands, structures and places, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

5.07.030 License required—Fee—Term—Notices

- A. It is unlawful for any person to engage in any business as provided in this chapter within the city limits, without first obtaining a license pursuant to the provisions of this chapter.
- B. The fees associated with the licenses described in this section shall be as follows:

Type of license	Fee per year
Regulated Massage Businesses	\$150
Massage Manager	\$25
Public Dance	\$100/event
Pawnbroker	\$500
Secondhand	\$40
Master Solicitor	\$100
Solicitor	\$25

- C. All registrations shall be renewable on the 31st day of December of each year. The clerk shall send notice of renewals to each license holder by December 1st of each year.
- D. Fees becoming due for less than one year shall be prorated on a quarterly basis.
- E. A duplicate license shall be issued by the clerk to replace any license previously issued, which has been lost, stolen, defaced or destroyed, upon the paying to the clerk of a fee of \$5.00.
- F. Any notice required by this chapter to be mailed to any license holder shall be sent by ordinary mail, addressed to the license holder shown by the records of the clerk or, if no such address is shown, to such address as the clerk is able to ascertain by reasonable effort. Failure of the license holder to receive such mailed notice shall not release the license holder from any fee or penalties thereon, nor shall such failure of the business to operate extend any time limit set by the provisions of this chapter.

5.07.040 License Application—form.

- JAN 10
- A. Every person required to have a business license under the provisions of this chapter shall submit a written application for such license to the clerk upon a form provided by the clerk.
 - B. The clerk shall issue a receipt to the applicant for the money paid in advance subject to the following conditions. A receipt shall not be construed as the approval of the clerk for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain the business permitted by that license.

5.07.050 License application—Other Requirements. In addition to the business license, other permits or licenses may be required for certain businesses.

5.07.060 License application—approval or disapproval procedure--appeals. The clerk shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

- A. Adopt all forms and prescribe the information required to implement this chapter.
- B. Submit all applications to the appropriate departments for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.
- C. Provide the license or notify the applicant of the rejection of his application; upon denial of any application, state in writing the reasons therefor and the process for appeal thereof, and deliver this to the applicant.
- D. Deny any application for a license upon written findings that the issuance conflicts with this chapter or with other city regulations.
 - 1. Whenever any such application is denied, the applicant may appeal the decision to the hearing examiner or other designated hearing body as may hereafter be established by the city council for the hearing of such appeals, by filing a notice of appeal with the clerk within fourteen (14) days of receiving notice of the action from which appeal is taken.
 - 2. The hearing body, upon receipt of a timely notice of appeal, shall set a date for a hearing of such appeal within 30 days from the date of such receipt, unless extended by mutual agreement or for good cause shown. The hearing shall be de novo. The hearing body shall hear testimony, take evidence and may hear oral argument and receive written briefs.
 - 3. The decision of the hearing body on an appeal from a decision of the clerk shall be based upon a preponderance of the evidence. The burden of proof shall be on the city.
 - 4. Any person aggrieved by the decision of the hearing examiner or other designated hearing body shall have the right to appeal the decision to the superior court by writ of certiorari filed and served upon the city within fourteen (14) calendar days after the date of the hearing examiner's or other hearing body's decision.

ORIGINAL

5.07.070 License—display—nontransferability—responsibility

- A. Upon receipt of the license, it shall be retained on premises where it may be inspected at any time.
- B. Licenses issued under the provisions of this chapter shall not be transferable or assignable.
- C. The agents or other representatives of nonresidents who are doing business in the city shall be personally responsible for the compliance of their principals and the businesses they represent.

5.07.080 License renewal—late fee. A late penalty shall be charged on all applications for renewal of a license received later than ten (10) working days after the expiration date of such license. The amount of such penalty is fixed as follows:

- A. For a license requiring a fee of less than \$50, 20 per cent of the required fee.
- B. For a license requiring a fee of more than \$50, 10 per cent of the required fee.

5.07.090 License—revocation.

- A. Any license issued under the provisions of this chapter may be revoked by the clerk if the further operation of the business would be in violation of any federal or state law or any ordinance or regulation of the city. The clerk shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as many be determined to be proper of intention to revoke such license.
- B. Whenever any such license is revoked, the license holder may appeal such action as described in 5.07.060(D). The filing of such an appeal shall stay the action of the clerk.

5.07.100 Violation—penalty. Any violation of this chapter shall constitute a misdemeanor and the punishment shall be as provided by the laws of the State of Washington.

5.07.110 Additional enforcement. Notwithstanding the existence or use of any other remedy, the clerk may seek legal or equitable relief to enjoin any acts or practices, which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

PUBLIC DANCES

- 5.07.200 Definitions
- 5.07.205 Exemptions
- 5.07.210 License Required
- 5.07.220 License—application
- 5.07.230 License—investigation
- 5.07.240 License—prerequisites

- 5.07.250 Dance Hall regulations
- 5.07.260 Denial of license

5.07.200 Definitions.

- A. For the purposes of this chapter, "public dance" means any dance that is accessible to the public and which:
 - 1. Permits the entry of any persons under the age of eighteen; and
 - 2. Is held and conducted for a profit, either direct or indirect.
- B. "Public dance hall" means any place where a public dance is conducted, operated or maintained and includes the premises on which the public dance is conducted, operated or maintained and any and all areas attached to or adjacent to such premises including, but not limited to, all parking areas, hallways, bathrooms and all adjoining areas on the premises accessible to the public during the dance.

5.07.205 Exemptions. The following types of public dances shall be considered exempt:

- A. Those sponsored by tax exempt non-profit organizations.
- B. Those in which the number of participants is limited to one hundred and fifty (150) or less.

5.07.210 License Required. It is unlawful for any person to conduct, operate or maintain a public dance or public dance hall unless the person who is conducting, operating or maintaining such public dance or public dance hall has obtained a license in the manner prescribed in this chapter.

5.07.220 License Application.

- A. The person desiring to conduct, operate or maintain a public dance hall shall be responsible for obtaining a public dance hall license.
- B. For one-night public dances, a license must be obtained at least fourteen days prior to the date the dance is to be held.

5.07.230 License—investigation. Upon the filing of an application for a public dance hall license, the clerk shall refer the same to the Shoreline Police Department for investigation of the statements contained in such application.

5.07.240 License—prerequisites. Applicants must comply with the building, zoning, planning and fire codes of the City of Shoreline and with any rules or regulations set forth by the State of Washington Liquor Control Board.

5.07.250 Dance Hall Regulations.

- A. Security Attendant Required. The owner or operator of every dance shall be required to hire at his own expense a security attendant or attendants, as required by the chief of police of the city, necessary to maintain good order in each dance.

- B. **Floor Manager.** Every person conducting a public dance shall have a floor manager in control of the premises continuously from one-half hour before dancing begins until the dance hall is closed. It shall be the duty of the floor manager to cooperate in carrying out the provisions of this chapter relating to public dances and in preserving order and good conduct on the part of the patrons and employees of the dance and to immediately notify the police of any suspected illegal activities on the part of patrons or employees of the dance.
- C. **Lighting.** After sunset, before any patrons are admitted thereto, every public dance hall shall be lighted or illuminated in such a manner and to such an extent as is usual or customary for lighting halls or rooms of like dimensions in the nighttime for public assemblies. Such lighting or illumination shall be maintained thereafter throughout the entire time for which such dance hall is open and entertaining patrons, and during any recess or other intermission, without diminution or interruption until such dance hall is cleared and closed.
- D. **Police responsibilities.**
1. Any member of the police department of the city shall have the power and the duty to cause any dance hall to be vacated whenever any provision of this chapter is being violated.
 2. The chief of police or some officer specifically designated by him/her shall investigate all complaints against public dances.
- E. **Closing Hours.** All public dances and all music therein shall cease and terminate on or before midnight; provided, however, that upon application and for good cause shown, the police chief may grant permission to hold or continue a dance after the times provided above if he finds that the same may be conducted without any violation of this chapter.
- F. **Entry for Inspections.** All city officials shall have free access to public dances for the purposes of inspecting and enforcing compliance with the provisions of this section.

5.07.260 Denial of license.

- A. The clerk may deny a license if the applicant, or, if the applicant is a corporation or partnership, the applicant's officers, director or partners or any agent thereof have:
1. Been convicted within the last five years of:
 - a. A felony involving a crime of violence as defined in RCW 9A.010, or a felony under RCW 69.50, or any felony or misdemeanor under RCW 9A.44, 9A.64 or 9A.88;
 - b. Contributing to the delinquency of a minor; or
 - c. Assault.
 2. Failed to comply with the building, zoning, planning or fire codes of the City of Shoreline, or any rules or regulations set forth by the State of Washington Liquor Control Board; or
 3. Knowingly made any material misstatement in the applicant's application.
- B. The clerk may deny a license if he determines that the conduct, operation or maintenance of a public dance hall or public dance will disturb the peace and quiet of the neighborhood in which the same is located.

REGULATED MESSAGE BUSINESSES

- 5.07.300 Definitions
- 5.07.305 Business License Required
- 5.07.310 License for massage practitioners
- 5.07.315 License for managers
- 5.07.320 License applications
- 5.07.325 Requirements for licensing/operations
- 5.07.330 Standards for denial of application
- 5.07.335 Standards of suspension or revocation
- 5.07.340 Transfer of licenses and change of location
- 5.07.345 Standards of safety and sanitation
- 5.07.350 Standards of conduct/operation
- 5.07.355 Internal warning systems prohibited

5.07.300 Definitions. For purposes of this chapter, the following terms, words and phrases shall have the following meanings:

- A. "Genitals" means genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.
- B. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving massage practitioners occurring at any place offering massage.
- C. "Massage" means the treatment of a human body by another by the external manipulation or pressure of soft tissue. Massage includes rubbing, kneading, touching, stroking, tapping or any other manipulations with or without the aids of superficial heat, cold, water, lubricants, or salts, and including the use of equipment, machinery or appliances.
- D. "Massage practitioner" means a person engaged in the practice of massage.
- E. "Regulated massage business" means the operation of a business at which massage are given; provided that the owner is not a licensed massage practitioner.

5.07.305 Business License Required.

- A. It is unlawful to conduct, operate or maintain a regulated massage business unless such establishment or premises is licensed as hereinafter provided.
- B. Businesses employing the following are exempt:
 - 1. Physicians, surgeons, chiropractors, osteopaths, acupuncturists, or physical therapists who are duly licensed or certified to practice their respective professions in the State of Washington;
 - 2. Nurses who are registered as such under the laws of the State of Washington and who act under the direction and control of a duly-licensed physician;
 - 3. Persons authorized by the laws of this state as barbers and cosmetologists, provided such massage as is practiced is within their authorized scope of practice;

ORIGINAL

4. Members of the athletic department of any institution maintained by the public funds of the state, or any of its political divisions; or
5. Members of the athletic departments of any school or college accredited by the Northwest Association of Secondary and Higher Schools.
6. Students enrolled in schools of massage performing such practices of massage as are incidental to their course of study.

5.07.310 License for massage practitioners. It is unlawful for any person to perform a massage or represent himself as a massage practitioner without first applying for, receiving and being in possession of a current, valid Washington State massage practitioner's license.

5.07.315 License for managers. It is unlawful for any person to manage a regulated massage business without first applying for and receiving a city massage manager license. It is provided, however, that if the person who will be serving as the manager of the regulated massage business will also be working in the regulated massage business as a licensed massage practitioner and has a valid massage practitioner's license pursuant to Section 5.07.310 of this Code, said person shall not be required to obtain a Massage Manager license.

5.07.320 License applications.

- A. Regulated Massage Businesses. Any person who does not possess a current, valid Washington State Massage Practitioner's License who seeks to operate or conduct a Regulated Massage Businesses must first apply for, receive and possess a Regulated Massage Businesses license. All applications for a massage business license or license renewal shall be submitted in the name of the person or entity proposing to manage or maintain such Regulated Massage Businesses shall be signed by such person or his legally authorized agent and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the clerk.
- B. Massage manager. Any person who does not possess a current, valid Washington State Massage Practitioner's License who seeks to manage the activities of a regulated massage business must apply for, receive and possess a Massage Manager's License. All applications for a massage manager's license or license renewal shall be signed by the applicant and certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the clerk.
- C. Background checks. All applications for regulated massage business or massage manager licenses submitted pursuant to the chapter will be submitted to a background check in accordance with the procedures of the Shoreline Police Department.

5.07.325 Requirements for licensing/operation. The clerk shall refer applications to the Seattle-King County Health Department and the Fire Marshal's Office with a request to inspect the premises or proposed premises as to its sanitary and safety conditions and to submit a written report thereon. All licensees shall:

- A. Comply with the applicable safety and sanitation requirements of Section 5.07.345 of this chapter;
- B. Keep business receipts showing the date of service(s) given, the type of service(s) rendered and the name and license number of the employee rendering the service(s). These business receipts shall be retained for a period of three years after the date of the services(s), and shall be open to inspection by the Shoreline Police Department;
- C. Allow any police officer or representative of the City of Shoreline, or fire marshal's office entry to the premises during the hours the Regulated Massage Businesses is open for business, upon presentation of proper identification, for purposes of inspecting the premises;
- D. Provide that all doors in such premises, excluding doors in office and storage rooms, unless such doors provide access to service areas, are so equipped that they may not be fastened shut so as to prevent reasonable access by such authorities who announce their authority to enter prior to inspection of such premises;
- E. Comply with the applicable standards of conduct requirements set out in Section 5.07.350 of this chapter;
- F. Comply with the applicable provisions of the City of Shoreline building, fire and zoning codes;
- G. Submit proof of a current Washington State massage business license;
- H. Shall post in a prominent place a list of all services offered with a brief description of what the service entails along with the costs for such services. All business transactions with customers must be conducted in accordance with said posted list; and
- I. Shall not distribute or consume liquor and/or controlled substances on licensed premises.

5.07.330 Standards for denial of application.

- A. The clerk shall deny any regulated massage business license applied for under the provisions of this chapter if he determines that the applicant has:
 - 1. Made any material misstatement in the application for a license;
 - 2. Proposed a place of business or an establishment to be licensed which would not comply with all applicable requirements of this code including but not limited to the zoning, building, health or fire codes; or
 - 3. Not complied with the operating requirements set out in Section 5.07.350 of this chapter.
- B. The clerk may deny any regulated massage business license or massage manager license applied for under the provisions of this chapter if he determines that the applicant has, within three years prior to the date of application:
 - 1. Had any convictions or bail forfeitures which have a direct connection with the licensed activity including, but not limited to, theft, controlled substances, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud, or obscenity; or
 - 2. Had a regulated massage business license or manager massage license denied or revoked by the City of Shoreline.
- C. Effect of license denial. If any applicant has his or her license denied pursuant to Section 5.07.330B1 of this chapter, a license may not be granted within three years from the date of such denial provided such denial was based on a conviction classified as a felony. All other convictions pursuant to section 5.07.330B1 of this chapter will preclude the issuance of a license under this chapter for a period of at least one year from the date of such denial. All

ORIGINAL

applicants must comply with all application procedures, pursuant to this chapter.

5.07.335. Standards of suspension or revocation.

A. The clerk shall revoke or suspend a regulated massage business license or massage manager license if he determines that the licensee has:

1. Failed to comply with the applicable safety and sanitation requirements set out in Section 5.07.345 of this chapter; or,

2. Failed to comply with the applicable standards of conduct set out in Section 5.07.350 of this chapter; or,

3. Failed to comply with the applicable building, fire and zoning code provisions; or,

4. Employed persons who, within a period of one year, have been convicted of prostitution or consumer fraud stemming from activities conducted on the licensed premises, or who have been arrested for such offenses and which lead to such convictions, provided that there are two or more such convictions within one year, or two or more arrests leading to such convictions within one year.

5. Failed to comply with or done anything which constitutes a basis for denying a license.

B. If it is determined during an inspection that the condition of any regulated massage business needs correction, a written notice of violation shall be issued to the supervisor, manager, owner or person in charge specifying such violations. Those same violations shall be remedied immediately or by a later date determined by the city. Failure to comply with any written notice of violation by the city to make corrections may result in suspension or revocation of the Regulated Massage Business Licenses.

5.07.340 Transfer of licenses and change of location. No regulated massage business license issued under this chapter shall be transferable from one person to another. Upon the sale or transfer of any substantial interest in a Regulated Massage Businesses, the license therefore shall be null and void. A new application shall be made by any person desiring to operate or maintain the establishment and shall include a release of interest statement from the previous licensee and/or a signed lease or rental agreement for the establishment.

5.07.345 Standards of safety and sanitation. Health and sanitary requirements may include, but are not necessarily limited to, the following:

A. Each room or enclosure where massage services are performed on patrons shall be provided with adequate lighting in accordance with the building code, and in addition, at least one artificial light of not less than forty watts shall be provided in each room or enclosure where services are performed on patrons and shall be in operation when such services are performed.

B. The premises shall have equipment for disinfecting and cleaning non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.

C. Hot and cold running water shall be provided at all times.

D. Closed cabinets shall be provided and used for the storage of all equipment, supplies and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.

E. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.

F. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas and all floors shall have surfaces which may be readily cleaned.

G. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean containers or cabinets.

H. Shower and/or bathtub, dressing, locker and toilet facilities shall be provided upon request for all patrons served at any given time. Upon the request of a patron, the licensee shall provide the patron with facilities to lock or secure personal property. Male and female patrons shall not simultaneously use common shower and/or bathtub, dressing, toilet and massage room facilities.

I. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.

J. Each massage practitioner shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.

K. No person shall consume food or beverages in massage work areas.

L. Animals, except for service animals, shall not be permitted in massage establishments.

M. A person suffering from infectious or contagious disease(s) shall not be treated by any licensed massage practitioner. A massage practitioner who is suffering from infectious or contagious disease(s) shall not administer massage services.

N. All massage establishments shall continuously comply with all applicable building, fire or health ordinances and regulations.

5.07.350 Standards of conduct/operation.

A. Regulated Massage businesses must have a manager on the premises at all times during the business hours.

B. It shall be unlawful for any employee or agent of any regulated massage business to:

1. intentionally touch or manipulate the genitals of a massage patron;
2. masturbate or fondle the genital area of a massage patron;
3. administer a massage to a massage patron unless such massage practitioner's sexual and genital body parts are completely covered by opaque clothing; or
4. administer a massage to unclothed massage patrons in the same room or enclosure at the same time.

C. Any violation of this section shall be grounds for revocation or suspension of the massage business and massage operator's license.

5.07.355 Internal warning systems prohibited. Any business required to be licensed under this chapter shall not install any device that is designed as an internal warning system and no persons shall use any device for alerting persons in other portions of the building.

PAWNBROKERS

5.07.400 License required.

5.07.405 Pawnbroker and pawnshop defined.

5.07.410 Application for license.

5.07.415 Personal property tax return.

5.07.420 Limitations on licensing.

5.07.425 Records required.

5.07.430 Compliance required.

ORIGINAL

- 5.07.435 Transcript to be furnished.
- 5.07.440 Records and articles to be available for inspection.
- 5.07.445 Seller or consignee to give true name and address.
- 5.07.450 Authorized rate of interest - Penalty for violation.
- 5.07.455 Prima facie evidence of violation.
- 5.07.460 Period of redemption.
- 5.07.465 Certain transactions prohibited.
- 5.07.470 Pawnshop to be closed during certain hours.
- 5.07.475 State of Washington Requirements

5.07.400 License required. It is unlawful for any person, firm, or corporation to engage in the business of pawnbroker, or to conduct a pawnshop without first obtaining a "pawnbroker's license" pursuant to the provisions of this chapter.

5.07.405 Pawnbroker and pawnshop defined.

- A. The term "pawnbroker" as used in this chapter, means and includes every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that he has money to loan on personal property on deposit or pledge.
- B. The term "pawnshop" means and includes every place at which the business of pawnbroker is being carried on.

5.07.410 Application for license. All applications for issuance or renewal of a pawnbroker's license shall be made to and be filed with the clerk on forms furnished for such purpose. This application shall state the true name of the applicant, who shall not be less than eighteen years of age, the names of all persons having a financial, proprietary, or other interest in such pawnshop, together with such other information as the license division deems appropriate. The application shall then be referred to the Shoreline Police Department for investigation, report and recommendation. If, from the reports and other information available, the clerk deems the applicant to be a fit and proper person, the director shall issue or renew the license applied for.

5.07.415 Personal property tax return. No renewal license shall issue to any pawnbroker until the applicant shall show that he has made a return to King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due.

5.07.420 Limitation on licensing. No pawnbroker's license shall be issued which would increase the number of holders of such licenses to more than one for every fifteen thousand of population, according to the last preceding federal census.

5.07.425 Records required. Every pawnbroker shall maintain at his place of business a book or other medium for electronic reporting in which he shall at the time of such loan, purchase or sale, enter, the following information:

- A. The date of the transaction;
- B. The name of the person conducting the transaction and making the entries required herein;
- C. The printed name, signature, age, street and house number, the general description of the dress, complexion, color of hair and facial appearance of the person with whom the transaction is had, including the identification which the customer shall present to verify his identity, and the account or other number of such identification;

- D. The name and street and house number of the owner of the property bought or received in pledge;
- E. The street and house number of the place from which the property bought or received in pledge was last removed;
- F. A description of the property bought or received in pledge, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscriptive or identifying marks; provided, that when the article received is furniture or the contents of any house or room, actually inspected on the premises where the sale is made, a general description of the property shall be sufficient;
- G. The price paid or the amount loaned; and
- H. The number of any pawn tickets issued therefor.

5.07.430 Compliance required. It is unlawful for any pawnbroker or any clerk, agent, or employee of such pawnbroker to fail, neglect, or refuse to make any material entry in this record, as required by this chapter, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record within five years from date of transaction.

5.07.435 Transcript to be furnished.

- A. Transcript Required. It is the duty of every pawnbroker to deliver to the Shoreline Police Department at the close of every business week a full, true and correct transcript of the record of all transactions occurring during the preceding week.
- B. Duty to Report. It is also the duty of any pawnbroker having good cause to believe any property in his possession has been previously lost or stolen, to report such fact to the Shoreline Police Department immediately, together with the name of the owner, if known, and the date and name of the person from whom the same was received by such pawnbroker.

5.07.440 Records and articles to be available for inspection. All books and other records of any pawnbroker relating to purchase, pledge, exchange, order or receipt of any goods, wares, merchandise, or other articles or things of value, shall at all times be open for inspection by the Shoreline Police Department; and all articles or things received, purchased or left in pledge with the pawnbroker shall at all times be open to a like inspection.

5.07.445 Seller or consignee to give true name and address. Anyone who pledges, sells, or consigns any property to or with a pawnbroker shall sign the records required to be kept by such pawnbroker with his true name and shall include his correct residence address.

5.07.450 Authorized rate of interest - Penalty for violation. All pawnbrokers are authorized to charge and receive interest at the rate of three percent per month, for any loan on the security of personal property actually received in pledge, and every person who asks or receives a higher rate of interest or discount on any such loan, or on any actual or pretended sale, shall, on redemption of such personal property, be deemed guilty of a violation of this chapter.

5.07.455 Prima facie evidence of violation. The fact of loaning money upon or purchasing goods from any of the classes enumerated in Section 5.07.450 shall be prima facie evidence of an intent on the part of such pawnbroker, his agent or employee, to violate this chapter.

ORIGINAL

5.07.460 Period of redemption. No pawnbroker shall sell any property held by him as security for a loan until ninety days after the period for redemption shall have expired.

5.07.465 Certain transactions prohibited.

- A. It is unlawful for any pawnbroker, his clerk or employee to receive in pledge, or purchase, any article or thing known to him to be stolen, any article or thing from any person who is under eighteen years of age; intoxicated; addicted to the use of drugs; or from any person who is known to be a thief, or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such.
- B. It is unlawful for any pawnbroker, his clerk or employee, to refuse to return property which has been identified as stolen or pawned without authorization, to any person the pawnbroker, his clerk or employee knows to be the rightful owner, or to charge a fee for the return of such property to the rightful owner.
 - 1. "Identified as stolen/or pawned without authorization" shall mean any property which has been reported by the rightful owner to legitimate authority as missing or stolen.
 - 2. "The rightful owner", unless otherwise proven, shall be considered to be the person having possession of the property prior to the theft or removal without authorization.

5.07.470 Pawnshop to be closed during certain hours. It is unlawful for any pawnbroker to conduct or carry on the business of the pawnbroker, in whole or in part, directly or indirectly, or to open or keep open, his pawnshop for the transaction of any business whatsoever therein, between the hours of eight p.m. and seven a.m., except that from December 1st to December 24th of each year, when pawnbrokers may remain open until ten p.m.

5.07.475 State of Washington requirements. For statutory provisions regarding business regulations of pawnbrokers, see RCW 19.60.

SECONDHAND DEALERS

- 5.07.500 License required.
- 5.07.505 Secondhand dealer and secondhand goods defined.
- 5.07.510 Application for a license.
- 5.07.515 Personal property tax return.
- 5.07.520 More than one shop - Change of location.
- 5.07.525 Records required.
- 5.07.530 Compliance required.
- 5.07.535 Transcript to be furnished.
- 5.07.540 Records and articles to be available for inspection.
- 5.07.545 Seller to give true name and address.
- 5.07.550 No sale within ten days.
- 5.07.555 Certain transactions prohibited.
- 5.07.560 State of Washington requirements

5.07.500 License required. It is unlawful for any person, firm or corporation to engage in the business of buying, selling, or trading in secondhand goods in Shoreline without first obtaining a "secondhand dealer's license" pursuant to the provisions of this chapter.

5.07.505 Secondhand dealer and secondhand goods defined.

- A. The term "secondhand dealer" as used in this chapter means and includes every person who as a business engages in the purchase, sale, trade, barter, auction, sale

on consignment, or otherwise exchanges secondhand goods, or who keeps a store, shop, room or other place where secondhand goods of any kind or description are bought, sold, traded, bartered, pledged, pawned, auctioned, sold on consignment, or otherwise exchanged, including dealers in used or remanufactured automobile tires or parts, except for the following:

1. Those persons who resell their own previously rented merchandise.
 2. Those persons who sell used books and media, including but not limited to audiotapes and CDs, that have an individual value of under \$1,000.
 3. Those persons engaged in the business of selling used or secondhand motor vehicles or boats.
 4. Any tax-exempt non-profit organization. A copy of the current 501(C)3 form attesting to its non-profit status shall be considered to demonstrate the application of this section and the right to such exemption.
 - 5.. Public sales of household items by the owner conducted not more than three times a year.
- B. The term "secondhand goods" when used in this chapter means and includes any and all used, remanufactured or secondhand goods purchased or kept for sale by a dealer in secondhand goods.

5.07.510 Application for a license. All applications for issuance or renewal of secondhand dealer's license shall be made to and be filed with the clerk on forms furnished for such purpose. The application shall be referred to the Shoreline Police Department for investigation, report, and recommendation. If, from the reports and other information available, the license division deems the applicant to be a fit and proper person, the clerk shall issue or renew the license applied for.

5.07.515 Personal property tax return. No renewal license shall issue to any secondhand dealer until the applicant shows that he has made a return to the King County assessor of the property in his possession or ownership and the value thereof for tax assessment purposes and has paid the tax due.

5.07.520 More than one shop - Change of location. Any person having more than one place of business where secondhand goods are bought, sold, traded, bartered, or exchanged, shall be required to procure a separate license for each and every such place of business. A secondhand dealer's license shall not be transferable from one person to another, but the licensee may have his license transferred to a new location by the clerk, and the change of address shall be noted on the license, together with the date on which the change was made.

5.07.525 Records required. Every secondhand dealer shall maintain at his place of business a book or other medium for electronic reporting in which he shall at the time of purchase of any secondhand goods enter the following information:

- A. The date of the transaction;
- B. The name of the person conducting the transaction and making the entries required herein;
- C. The printed name, signature, age, and address of the person with whom the transaction is had;
- D. The address of the place from which the property was last removed;
- E. An accurate description of the property bought, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscriptive or identifying marks; provided, that when the article received is furniture or the contents of any house or room, actually inspected on the premises where the sale is made, the general description of the property shall be sufficient; and
- F. An itemized statement of the price or amount paid for the property purchased.

ORIGINAL

5.07.530 Compliance required. It is unlawful for any secondhand dealer, or any clerk, agent, or employee of such secondhand dealer to fail, neglect, or refuse to make any material entry in this record, as required by this chapter, or to make any false entry therein, or to obliterate, destroy, or remove from his place of business such record within five years from the date of the transaction.

5.07.535 Transcript to be furnished.

- A. **Transcript Required.** It is the duty of every secondhand dealer to deliver to the Shoreline Police Department at the close of every business week a full, true, and correct transcript of the record of all transactions occurring during the preceding week. Secondhand goods taken on consignment or trade-in will be recorded in the same manner as goods purchased outright.
- B. **Duty to Report.** It is also the duty of any secondhand dealer having good cause to believe any property in his possession has been previously lost or stolen, to report such act to the Shoreline Police Department immediately, together with the name of the owner, if known, and the date and name of the person from whom the same was received by such secondhand dealer.

5.07.540 Records and articles to be available for inspection. All books and other records of any secondhand dealer relating to purchase or receipt of any goods, wares, merchandise, or other things of value, shall at all times be open for inspection by the Shoreline Police Department; and all articles or things received or purchased shall at all times be open to a like inspection.

5.07.545 Seller to give true name and address. Anyone who sells or otherwise leaves any property with a secondhand dealer shall sign the records required to be kept by such dealer with his true name and shall include his correct residence address.

5.07.550 No sale within ten days. No dealer in secondhand goods shall sell or dispose of any article received or purchased by him or permit the same to be removed from his place of business within ten days after the receipt of such goods has been reported to the Shoreline Police Department as provided herein, except when the goods have been inspected by regular members of the Shoreline Police Department, and they have authorized the secondhand dealer to dispose of such goods within a lesser period of time; provided, that consigned property sold at auction need only be held for three days prior to sale.

5.07.555. Certain transactions prohibited.

- A. It is unlawful for any secondhand dealer, his clerk or employee, to purchase or receive any article or thing known by him to be stolen, any article or thing from a person who is under eighteen years of age, intoxicated, addicted to the use of drugs, or from any person who is known to be a thief, or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such.
- B. It is unlawful for any secondhand dealer, his clerk or employee to refuse to return property which has been identified as stolen or sold without authorization, to any person the secondhand dealer, his clerk or employee, knows to be the rightful owner, or to charge a fee for the return of such property to the rightful owner.
- C. "Identified as stolen or sold without authorization" shall mean any property which has been reported by the rightful owner to legitimate authority as missing or stolen.
- D. "The rightful owner", unless otherwise proven, shall be considered to be the person having possession of the property prior to the theft or removal without authorization.

5.07.560 State of Washington requirements. For statutory provisions regarding business regulations of secondhand dealers, see RCW 19.60.

SOLICITORS

- 5.07.610 Definitions
- 5.07.620 License application
- 5.07.630 License Application--exemptions
- 5.07.640 License Regulations--order requirements
- 5.07.650 Carrying license required

5.07.610 Definitions.

- A. A "master solicitor" is a person or firm which employs or uses agents or employees to act as solicitors.
- B. A "solicitor" is any person who sells, offers for or exposes for sale or who trades, deals or traffics in any services, magazines, periodicals or any other personal property at retail in the city, by going from house to house or by indiscriminately approaching individuals; provided, however, that this subsection shall not be deemed applicable to any salesman or canvasser who solicits trade from wholesale or retail dealers in the city.

5.07.620 License application.

- A. Any person seeking to engage in business as a master solicitor shall file a written application for such license with the clerk on the form provided.
- B. Any person seeking to engage in business as a solicitor shall file a written application for such license with the Clerk on the form provided.

5.07.630 License Application—Exemptions

- A. This chapter shall not apply to the selling of personal property at wholesale to dealers in such articles or commodities, shall not apply to persons who deliver daily or weekly newspapers, and shall not apply to any organization, association or corporation desiring to solicit, or have solicited in its name, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for a tax-exempt non-profit organization. Any person or organization claiming an exemption under this section shall file with the clerk a copy of the current 501(C)3 form attesting to its non-profit status, which shall be considered to demonstrate the application of this section and the right to such exemption.
- B. This chapter shall not apply to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency.

5.07.640 License Regulations—Order Requirements. All orders taken by licensed solicitors shall be in writing, in duplicate, stating the name of the solicitor, as it appears on the license, the solicitors permit number as issued under this chapter, the

address of both the solicitor and his employer, the terms of the order of agreement, and the amount of money or checks paid to the solicitor. One copy of such order or agreement shall be given to the purchaser.

5.07.650 Carrying license required. The solicitor's license shall be carried at all times when soliciting or canvassing in the city and shall be exhibited whenever requested to do so by a police officer, any city official, or any persons solicited or canvassed.

TAXIS—BUSINESSES AND DRIVERS

- 5.07.710 Authority to adopt.
- 5.07.720 Adoption of Administrative Rules
- 5.07.730 Adoption of certain other laws

5.07.710 Authority to adopt. Pursuant to RCW 31.21.180, 35A.11.020, and 35A.21.160, the City adopts by reference Title 6.64 of the King County Code (Exhibit A) as presently constituted or hereinafter amended. Exhibit A is hereby incorporated by reference as if fully set forth herein.

5.07.720 Adoption of Administrative Rules. Hereby further adopted by reference are any and all implementing administrative rules now in effect regarding taxis—businesses and drivers, that have been adopted either pursuant to King County Code, Chapter 2.98, Rules of County Agencies, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the “County” or to “King County” shall refer to the City of Shoreline, and any reference to County staff shall refer to the City Manager or designee.


5.07.730 Adoption of Certain Other Rules. To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the attached regulations, is necessary or convenient to establish the validity, enforceability or interpretation of Chapter 6.64 of the King County Code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall

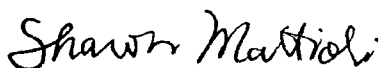
take effect 30 days after publication.


PASSED BY THE CITY COUNCIL ON JANUARY 26, 2004.


Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:


Sharon Mattioli, CMC
CityClerk


Ian Sievers
City Attorney

Date of Publication: January 29, 2004
Effective Date: February 28, 2004