

ORDINANCE NO. 451

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON INCREASING CITY FEES FOR INFLATION,
REVISING FEES FOR PLANNING AND DEVELOPMENT
SERVICES, REORGANIZING HEARING EXAMINER AND
BUSINESS LICENSE FEES, AND AMENDING CHAPTERS 3.01,
5.07, 5.10 AND 5.15 OF THE MUNICIPAL CODE**

WHEREAS, all fees should be adjusted by the CPI-U, rounded to the nearest quarter dollar for 2007 and subsequent years;

WHEREAS, the Planning and Development Services fee schedule set forth in Chapter 3.01.010 SMC, *Planning and Development Services*, should be reorganized to reflect current costs and practices;

WHEREAS, the appeal fees for the Hearing Examiner apply to all appeals and should be recodified into its own section; and

WHEREAS, all business license fees set forth in Chapter 5.07 and Chapter 5.15 of the Shoreline Municipal Code are proposed to be consolidated into Chapter 3.01 SMC, *Fee Schedules*.

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

Section 1. Amendment. Shoreline Municipal Code Section 3.01.010, *Planning and development services*, is hereby amended as set forth in Exhibit A.

Section 2. New Section. A new section, Shoreline Municipal Code 3.01.025, *Hearing examiner fees*, is hereby adopted as set forth in Exhibit B.

Section 3. Amendment. Shoreline Municipal Code Section 3.01.030, *Parks , recreation and cultural services*, is hereby amended as set forth in Exhibit C.

Section 4. New Section. A new section, Shoreline Municipal Code 3.01.035, *Business license fees*, is hereby adopted as set forth in Exhibit D.

Section 5. Amendment. Shoreline Municipal Code, 3.01.040, *Financial fees*, is hereby amended to read as follows:

The maker of any check that is returned to the city due to insufficient funds or a closed account shall be assessed a collection fee of ~~\$25.00-~~ \$26.00.

Section 6. Amendment. Shoreline Municipal Code Section 3.01.050, *Public records*, is hereby amended as set forth in Exhibit E.

Section 7. Amendment. Shoreline Municipal Code Section 3.01.070, *Surface water management rate table*, is hereby amended as set forth in Exhibit F.

Section 8. Amendment. Section 5.07.030 and 5.07.080 of the Shoreline Municipal Code are hereby amended to read as follows:

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 and penalties associated with the licenses described in this section ~~shall be~~ are set forth in the business license fee schedule in Chapter 3.07 SMC. ~~as follows:~~
- C. All registrations shall be renewable on the thirty-first 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 the required fee. ~~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

5.07.080 License renewal – Late fee.

A late penalty shall be charged on all applications for renewal of a license received later than 10 working days after the expiration date of such license as set forth in SMC 3.07.035. ~~The amount of such penalty is fixed as follows:~~

- ~~A. For a license requiring a fee of less than \$50.00, 20 percent of the required fee.~~
- ~~B. For a license requiring a fee of more than \$50.00, 10 percent of the required fee.~~

Section 9. Amendment. Section 5.10.040 of the Shoreline Municipal Code is hereby amended to read as follows

5.10.040 Adult cabaret licenses.

A. Adult Cabaret Operator's License.

- 1. All applications for an adult cabaret operator's license shall be submitted to the clerk in the name of the person or entity proposing to conduct an adult cabaret on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, and shall be complete when the following information and submittals are provided:

- a. For each applicant: names; any aliases or previous names; driver's license number, if any; Social Security number, if any; business, mailing, and residential address; and business and residential telephone number.
 - b. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
 - c. Whether the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.
 - d. A summary of the business history of each applicant owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.
 - e. For each applicant, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.
 - f. For each applicant, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
 - g. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
 - h. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.
 - i. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
 - iii. An official passport or military ID issued by the United States of America;
 - iv. An immigration card issued by the United States of America.
 - j. A scale drawing or diagram showing the proposed configuration of the premises for the adult cabaret, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult cabaret shall include building plans which demonstrate conformance with SMC 5.10.070(C).
 - k. A nonrefundable application fee of as set forth in the business license fee schedule in SMC 3.07.035 ~~\$500.00~~ must be paid at the time of filing an application in order to defray the costs of processing the application.
2. Notification of the acquisition of new general partners, managing members, officers or directors, subsequent to the issuance of an adult cabaret license, shall

be provided in writing to the city clerk, no later than 21 days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.

3. The adult cabaret license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret so that it can be easily read at any time the business is open.
4. No person granted an adult cabaret license pursuant to this chapter shall operate the adult cabaret business under a name not specified on the license, nor shall any person operate an adult cabaret under any designation or at any location not specified on the license.
5. Upon receipt of any complete application and fee, the clerk shall provide copies to the police department, and to other appropriate city departments or contractors, for a full investigation and review to determine compliance of the proposed adult cabaret with this chapter and other applicable laws. Each adult cabaret operator's license shall be issued with a notification that it shall be subject to revocation for noncompliance of the premises with building and zoning codes and this chapter.
6. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted with the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises must be inspected prior to occupancy, and determined to be in substantial conformance with the drawings submitted with the application and other applicable building and development regulations.
7. An adult cabaret operator's license shall be issued or the application denied by the clerk within 14 days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection, or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. Upon request of the applicant, the clerk shall grant an extension of time, up to but not to exceed 20 additional days, in which to provide all information required for license application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. If the clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult cabaret operator's license, the clerk shall issue a notice of nonissuance in writing, and shall cite the specific reasons therefor.
8. No person granted a license pursuant to this chapter shall operate the adult cabaret under a name not specified in the license, nor shall he or she conduct business under any designation or location not specified in the license.

B. Adult Cabaret Manager's License.

1. No person shall work as a manager at an adult cabaret without an applicable manager's license issued by the city. Each applicant for a manager's license shall complete an application on forms provided by the city containing the information

identified below. A nonrefundable application fee as set forth in the business license fee schedule in SMC 3.07.035 of ~~\$100.00~~ shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work as a manager.

c. Documentation that the applicant has attained the requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state-issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport or military ID issued by the United States of America; or

iv. An immigration card issued by the United States of America.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.

2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter.

4. A manager's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of a manager's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an adult cabaret manager in a duly licensed adult cabaret until notified, in writing, by the clerk that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision.

C. Entertainer's License.

1. No person shall work as an entertainer at an adult cabaret without an applicable entertainer's license issued by the city. Each applicant for an entertainer's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee as set forth in the business license fee schedule in SMC 3.07.035 of ~~\$100.00~~ shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for an entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The entertainer's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work as an entertainer.

c. Documentation that the applicant has attained requisite age as stated in SMC 5.10.030(A). Any one of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state-issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport or military ID issued by the United States of America; or

iv. An immigration card issued by the United States of America.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application showing only the full face.

2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. Upon receipt of the complete application and fee, the clerk shall provide copies to the police department for its investigation and review for compliance with this chapter. An entertainer's license shall be issued by the clerk by the end of the next business day following receipt of a complete application and fee, unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant is a person of a class specified in SMC 5.10.030. Upon request of the applicant, the clerk shall grant an extension of time not to exceed 20 additional days in which to provide all information required for license application. If the clerk determines that the applicant has failed to meet any of the requirements for issuance of an entertainer's license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny the application by the end of the next business day, the applicant may, subject to all other applicable laws, commence work as an entertainer in a duly licensed adult cabaret until notified, in writing, by the clerk

that the application has been denied or the final disposition of the appeal if the applicant appeals the clerk's decision

Section 10. Repeal. Section 5.10.050 of the Shoreline Municipal Code is hereby repealed.

Section 11. Amendment. Section 5.10.080 of the Shoreline Municipal Code is hereby amended to read as follows:

5.10.080 License term – Assignment – Renewals.

A. Licenses shall expire one year from the date of issue.

B. Application for renewal of licenses issued hereunder shall be made to the clerk no later than 30 days prior to the expiration of adult cabaret licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the clerk an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as set forth in the business license fee scheduled in SMC 3.07.035. follows:

Days Past Due	Percent of License Fee
7 - 30	10%
31 - 60	25%
61 and over	100%

C. The clerk shall renew a license upon receipt of a complete application and fee, and subject to compliance with the provisions of SMC 5.10.040 regarding original licenses.

Section 12. Amendment. Section 5.15.050 of the Shoreline Municipal Code is hereby amended to read as follows

5.15.050 License fee – Terms – Assignment – Renewals.

A. The license year for licenses under this chapter shall be one year from date of issue. Except as hereinafter provided, all license fees under this chapter shall be payable on an annual basis. Annual license fees are set forth in the business license fee schedule in SMC 3.07.035 SMC. ~~shall be as follows:~~

- ~~1. Panoram premises license, \$200.00 per year;~~
- ~~2. Panoram device license, \$50.00 per year for each device; and~~
- ~~3. Panoram operator license, \$500.00 per year.~~

B. License fees under subsection A of this section shall not be prorated, except that if the original application of a license is made subsequent to June 30th in any year, the license fee for the remainder of that year shall be one-half of the annual license fee. Licenses issued under this chapter may not be assigned or transferred to other premises, operators or devices.

C. On or before December 31st of each year, a licensee under this chapter shall file an application for renewal of each license he wishes to use in the next license year. An application for renewal of a license shall be filed in the same manner as an

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original application for such a license, and shall be accompanied by a renewal fee in an amount equal to the license fee applicable to an original application for such a license under this section. On renewal applications filed after December 31st, the clerk shall assess and collect an additional charge as set forth in the business license fee schedule in Chapter 3.07 SMC. follows:

1. ~~If the application is more than six but less than 31 days late, the additional charge is 10 percent of the renewal fee; and~~
2. ~~If the application is more than 30 but less than 61 days late, the additional charge is 25 percent of the renewal fee.~~

Section 13. Repeal. Section 3.01.015 of the Shoreline Municipal Code is hereby repealed.

Section 14. Recodification. Section 3.01.070 of the Shoreline Municipal Code is recodified into section 3.01.040 of the Shoreline Municipal Code and section 3.01.040 of the Shoreline Municipal Code is recodified into section 3.01.070 of the Shoreline Municipal Code.

Section 15. Amendment to Annual Adjustments. Ordinance No. 218, Section 4, is amended to read as follows:

The fee schedules in Chapter 3.01 of the Shoreline Municipal Code shall be automatically updated on an annual basis on January 1st of each year by the Seattle Consumer Price Index for all urban consumers (CPI-U). The adjustment shall be calculated each year and included in the City Manager's Proposed Budget. The annual adjustment shall be based on the CPI-U average for the period that includes the last six months of the previous budget year and the first six months of the current budget year. The City Manager may choose to not include annual CPI-U adjustments in the City Manager's Proposed Budget and the City Council may choose to not include annual CPI-U adjustments in the Adopted Budget for select user fees in any individual budget year without impacting the full force of this section for subsequent budget years.

The annual adjustments to the fees in Chapter 3.01 of the Shoreline Municipal Code Exhibit A shall be rounded to the nearest dollar with the exception of the Building Permit fees which shall be rounded to the nearest quarter dollar. ~~The annual adjustments to the fees in Exhibits B and C shall be rounded to the nearest quarter dollar.~~

Section 16. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 11, 2006.

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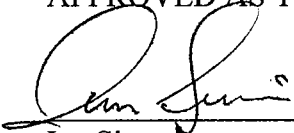
Mayor Robert L. Ransom

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: December 14, 2006
Effective Date: December 19, 2006

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