

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.02

GENERAL CODE

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5.02.005 Applicability.

Unless otherwise provided, the provisions of this Chapter shall apply to all Chapters of Title 5 PCC. (Ord. 2011-44 § 1 (part), 2011)

5.02.010 Definitions.

As used in this Title unless the context clearly indicates otherwise:

- A. "Council" means the Pierce County Council.
- B. "Person" means and includes, but is not limited to, natural persons of either sex, firms, corporations, partnerships or associations.
- C. "Examiner" means any hearing board or Hearing Examiner appointed by the Pierce County Council.
- D. "Auditor" means the Pierce County Auditor and/or his agents.

(Ord. 2011-44 § 1 (part), 2011; Res. 20356 § 3 (part), 1977; Res. 18145 § 2 (part), 1975; prior Code § 50.01.010)

5.02.020 Licenses Required.

Licenses required are for regulation and control. This entire Title shall be deemed an exercise of the power of the State of Washington and of the County of Pierce to license for regulation and/or control and all its provisions shall be liberally construed for the accomplishment of either or both such purposes. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.020)

5.02.030 Requirements for Issuance or Renewal of License.

No license required hereunder shall be issued except upon application therefor made in writing to the Auditor by filing the same with the Auditor. The Auditor shall provide application forms for each license under this Title, which shall require such information as the Auditor deems appropriate, in addition to the information required by the various licensing provisions of this Title, as now existing or hereafter amended. The applicant himself must prepare and sign the application. If the application is a partnership, a partner must sign and the names of the partners in full shall be given with their current residences. If the applicant is a corporation, an authorized officer thereof must sign and the names and current residences of all of the officers and directors or trustees of the corporation shall be given together with the location of the principal office or place of business of such corporation. All corporations must have a designated manager who meets the requirements of this Section. All corporations must designate an agent, who resides in Pierce County, to receive service for said corporation. The Auditor shall approve or deny all applications for license required hereunder.

No license shall be issued pursuant to the provisions of this Title to the following persons:

- A. Any person who is not 18 years of age at the time of the application (except as may specifically otherwise be provided herein).
- B. Any person who has been convicted of a felony or misdemeanor, excluding minor traffic violations, if:
 - 1. the felony or misdemeanor for which he was convicted directly relates to the license sought, and
 - 2. the time elapsed since the felony is less than ten years, or
 - 3. the time elapsed since the misdemeanor is less than three years.

This Section shall not preclude the fact of any prior conviction of a felony or misdemeanor from being considered.

- C. Any person who has had a license revoked within a period of one year prior to the date of making application for a license hereunder.
- D. Any person who is not qualified under any specific provision of this Title for any particular license for which application is made.
- E. Any person who at the time of application is in default in the payment of any sum due Pierce County for any license.
- F. Any person whose license is under suspension or revocation at the time of application for a license.
- G. Any partnership or corporation having as a partner, member of the board of directors, corporate officer or stockholder holding over 20 percent of the stock, anyone who does not meet the qualifications of this Section.
- H. Any person who has made a materially false statement in the application for a license.

No license shall be issued unless the premises where the activity is to be conducted complies with the requirements of all governmental agencies, including, but not limited to, Federal, State, City and County resolutions relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions specifically set forth in other Sections of this Title.

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

(Ord. 2011-44 § 1 (part), 2011; Ord. 2009-47 § 2, 2009; Res. 18145 § 2 (part), 1975; prior Code § 50.01.030)

5.02.035 Background Investigations.

An application for the following occupations will require a background investigation by the Pierce County Sheriff's Department:

- A. Pawnbrokers, Secondhand, Antiques, Junk and/or Salvage dealers (Chapter 5.12)
- B. Adult Entertainers/Managers (Chapter 5.14)
- C. Panoram, Picture Arcades, and Peep Show Premises, Owner, or Device (Chapter 5.16)
- D. Taxi Drivers (Chapter 5.26)
- E. Wrecking Yards (Chapter 5.28)
- F. Cabarets, Dance Halls (Chapter 5.32)
- G. Massage Parlor-Officer, Directors, Partners, and Employees (Chapter 5.38)
- H. Outdoor Public Music Festival (Chapter 5.42)
- I. Rental Agencies (Chapter 5.46)

A background investigation shall include an investigation into the criminal history of the applicant. The applicant shall be responsible for paying the costs of the investigation as directed by the Auditor. The applicant shall submit to fingerprinting and photographing. The fingerprints and the appropriate fees shall be submitted to the Washington State Patrol. The Washington State Patrol will compare the applicant's fingerprints against its criminal database and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Washington State Patrol and Federal Bureau of Investigation's check will be returned to the Pierce County Sheriff's Department. The Sheriff shall then inform the Auditor as to the results of his investigation and his recommendation as to the disposition of said application.

(Ord. 2011-44 § 1 (part), 2011)

5.02.040 Denial of License.

If the requirements for issuance or renewal of a license are not met, the application shall be denied by the Auditor. A decision regarding denial shall be in writing. The decision shall be mailed to the applicant to the address listed on the application via first class and certified mail with return receipt requested. (Ord. 2011-44 § 1 (part), 2011; Res. 18145 § 2 (part), 1975; prior Code § 50.01.040)

5.02.050 Term of License.

Any license issued pursuant to the provisions of this Title, except a probationary license and those licenses for which a shorter term is herein specified, shall expire one year from the date of issuance unless sooner revoked in the manner provided for in this Chapter. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.050)

5.02.060 Probationary License – Temporary License.

The Auditor may, if deemed in the public interest, grant a probationary license which shall authorize limited operation on such terms and conditions as the Auditor deems necessary to provide reasonable safeguards for the public against misuse of such license. Grounds for issuances of a probationary license include but are not limited to:

- A. Applicant has had a business occupation license for any nature revoked within ten years prior to the date of application;

- B. Applicant has been convicted of a felony within ten years prior to the date of application. Except as otherwise provided herein, the Auditor may issue a temporary license to be operative pending the Sheriff's investigation, if a preliminary investigation indicates the applicant will more than likely receive a license.

(Res. 18145 § 2 (part), 1975; prior Code § 50.01.060)

5.02.070 Renewal of License.

All licenses issued pursuant to the provisions of this Title, except as otherwise specifically provided, may be renewed at the expiration of the term thereof in the same manner as provided in Sections 5.02.030 and 5.02.040 on or before 15 days from the date of expiration of such license. Any licensee who shall fail to submit application or make payment on or prior to the expiration date of said license shall be subjected to penalty payments in the following amounts:

- A. One to ten days inclusive – no penalty;
- B. Eleven days to thirty days inclusive – a penalty of 10 percent of the license fee or \$2.00, whichever is greater;
- C. Over thirty days – canceled. No person may continue to work subsequent to the expiration date of his license.

The Auditor shall review all applications for a renewal and cause such investigation, as he deems necessary, to be conducted.

All licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities, or unless otherwise provided.

(Res. 18145 § 2 (part), 1975; prior Code § 50.01.070)

5.02.080 Display of License.

Unless otherwise stated in the specific provisions of other Sections of this Title, all licenses issued pursuant to the provisions of this Title shall be posted on the device, vehicle or thing licensed or at the place where the licensed business, calling, profession, trade, occupation or activity is carried on, in such a manner as to be readily viewed by the general public. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.080)

5.02.090 Suspension or Revocation of License.

The Auditor or any examiner appointed by the Council shall have the power and authority to suspend or revoke any license issued under the provisions of this Title when the Auditor determines that there are sufficient grounds for suspending or revoking any license issued pursuant to this Title. The Auditor shall notify such licensee in writing by certified mail of the suspension or revocation of his license and the grounds therefor. Notice mailed to the last business address on file with the Auditor shall constitute sufficient notice. In addition to grounds specifically provided in the individual licensing Sections, any license issued pursuant to the provisions of this Title may be suspended or revoked based on one or more of the following grounds:

- A. The license was procured by fraud or false representation of fact.
- B. The licensee has violated or failed to comply with any of the provisions of this Title.
- C. The licensee, or any of his servants, agents, or employees while acting within the scope of their employment, has committed a felony or misdemeanor, excluding minor traffic violations.

- D. The licensee or any of his servants, agents, or employees, while acting within the scope of their employment, have violated any law or resolution relating to the sale or possession of intoxicating liquor; the use, possession or sale of narcotic or dangerous drugs or violated any law or resolution relating to public morality and decency.
- E. The conduct of the business or activity for which the license was issued has resulted in the creation of a nuisance or has caused disorderly conduct to occur on or immediately adjacent to the business premises.
- F. The check submitted with the license application has been dishonored.

The Auditor and Sheriff are hereby designated as the enforcing officers of this Code. Any failure or refusal on the part of any licensee to obey any rule, regulation or request of the Auditor or his agent, or Sheriff or his agent, shall be grounds for the revocation of a license.

A decision regarding suspension or revocation shall be in writing. The decision shall be mailed to the applicant/licensee to the address listed on the application via first class and certified mail with return receipt requested.

The period of revocation shall be at least one year and the licensee shall not again be licensed for a similar business during such period or for such additional period as is fixed by the Auditor or Examiner.

The period of suspension shall be fixed by the Auditor or Examiner at not more than 365 days.

(Ord. 2011-44 § 1 (part), 2011; Res. 18145 § 2 (part), 1975; prior Code § 50.01.090)

5.02.120 Appeals.

- A. An applicant/licensee shall have the right to appeal the Auditor's decision by submitting a written notice of appeal along with payment of a \$250.00 appeal fee to the Auditor within ten calendar days of the date of the decision.
- B. The appeal shall be heard within 90 calendar days by the Examiner, unless the parties agree otherwise.
- C. The timely filing of a notice of appeal and payment of the appeal fee by an applicant/licensee shall stay the decision of the Auditor until a final decision is issued by the Examiner, unless the Examiner determines that the actions of the applicant/licensee constitutes an imminent danger to public health, safety, or welfare, in which case the Examiner may order that the action not be stayed pending appeal. A stay shall automatically terminate if the check that was submitted with the written appeal is dishonored.
- D. Except as provided in this Section, the appeal shall proceed in accordance with the Pierce County Hearing Examiner Code, Chapter 1.22 PCC.
- E. The scope of evidence and the scope of review before the Examiner shall be de novo.
- F. The Examiner may affirm, modify, or overrule the decision, and may reinstate the license and may impose any terms upon the continuance of the license which may seem advisable.
- G. All decisions of the Examiner shall be rendered within 30 calendar days following the conclusion of all testimony. Copies of the decision shall be sent to the Auditor and the applicant/licensee.
- H. If the applicant/licensee prevails on appeal, the appeal fee listed in this Section shall be refunded.
- I. The decision of the Examiner shall be final, unless a writ of review is filed in Superior Court within 20 calendar days from the date the decision.

(Ord. 2011-44 § 1 (part), 2011; Res. 18145 § 2 (part), 1975; prior Code § 50.01.120)

5.02.140 Death or Incapacity of Licensee.

In the event of the incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, then his guardian, executor, administrator, receiver, trustee in bankruptcy or assignee for benefit of creditors may, upon written authority from the Auditor or its designated agents, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated. (Ord. 2011-44 § 1 (part), 2011; Res. 18145 § 2 (part), 1975; prior Code § 50.01.140)

5.02.150 Limitation of Transfers and Reapplications.

- A. Except as provided herein, no individual may transfer a license issued pursuant to this Chapter.
 - 1. This limitation shall not apply in any of the circumstances set forth in Section 5.02.140.
 - 2. In the event of the withdrawal of a partner, the license may be transferred to the remaining partner or partners.
 - B. No reapplication for a license shall be made within a period of 90 days following a denial of such license.
 - C. No change shall be made in the management or officers of any licensed business unless said personnel comply with Section 5.02.030.
 - D. Unless otherwise specifically provided, no licensee shall change location without reapplying for a license. No portion of any prior licensee fee shall be refundable.
 - E. All corporations must have a designated manager.
- (Res. 18145 § 2 (part), 1975; prior Code § 50.01.150)

5.02.170 Liability Insurance.

Unless otherwise provided, such applicant for any license under this Title shall at all times maintain in full force and effect a policy of property damage and public liability insurance equal to the minimum state requirement for private vehicles on any vehicle used by said applicant, his servants, agents, or employees in the conduct of the business or thing licensed. A copy of such policy shall be filed with the Auditor with written endorsements thereon showing that the Auditor must be given written notice in the event of cancellation of said policy either by the company or the insured. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.170)

5.02.180 Authorization to Enter and Inspect Premises.

By making application for the privilege of having any license included in this Title, each applicant authorizes the Auditor or his/her agent, the Sheriff and/or any other appropriate County agency to enter and inspect to ensure compliance with Code provisions, all licensed premises, or any premises in any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, at any time during normal business hours. (Ord. 2011-44 § 1 (part), 2011; Res. 20249 § 5, 1977; Res. 18145 § 2 (part), 1975; prior Code § 50.01.180)

5.02.190 Civil Penalty.

In addition to, or as an alternative to any other penalty provided herein or by law, any person who engages in any activity, for which a license is required pursuant to the provisions of this Title, while his or her license is suspended or revoked, or who fails to obtain a license prior to engaging in the activity for which a license is required, shall be subject to a penalty not to exceed

\$1,000.00 for each day of operation without a license, and shall be subject to such further penalties as set forth herein. The penalty shall be paid within 15 days unless a timely appeal is filed. (Ord. 2011-44 § 1 (part), 2011; Ord. 2003-119s2 § 2 (part), 2003; Res. 18145 § 2 (part), 1975; prior Code § 50.01.190)

5.02.195 Notice and Order.

The Auditor or his/her agent may issue a notice and order directed to the person whom the Auditor or his/her agent has determined to be in violation of any of the terms and provisions of this Title. The notice and order shall contain:

- A. The street address, when available, or a description sufficient for identification of the premises upon which the violation occurred;
- B. A statement that the Auditor or his/her agent has found a violation of this Title or the terms of any license with a brief and concise description of the violation;
- C. A statement of any corrective action required to be taken;
- D. If the Auditor or his/her agent has decided to assess a civil penalty, the order shall so state along with the payment due date;
- E. A statement that failure to comply with the instructions outlined in the notice and order will constitute sufficient grounds for suspension or revocation of the license;
- F. A statement advising:
 1. that the licensee may appeal the notice and order in accordance with PCC 5.02.120, and;
 2. that the failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal.

The notice and order, and any amended notice and order, shall be served upon the person either personally or by mailing a copy of such notice and order by regular and certified mail with return receipt requested to such person at his address as it appears on the license. (Ord. 2011-44 § 1 (part), 2011)

5.02.200 Operating Without a License.

Each day that any person operates any device, vehicle or thing, or engages in any business, calling, profession, trade, occupation or activity licensed herein without having a valid existing license as provided for by this Title shall constitute a separate offense and be punished as such. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.200)

5.02.210 Criminal Penalties.

Except as otherwise specifically provided, any person violating or failing to comply with any of the provisions of this Title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00 or by imprisonment in the County jail for a period not exceeding 90 days or both, at the discretion of the court. (Ord. 2011-44 § 1 (part), 2011; Res. 18145 § 2 (part), 1975; prior Code § 50.01.210)

5.02.220 Right to Pick Up and Hold License.

The Auditor or his agent and the Sheriff shall have the right to pick up and hold a license when a violation of this Title has been committed in his presence, to be held by the Auditor where said license could be used as evidence in a criminal or administrative hearing. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.220)

5.02.230 Validity of Title 5.

If any phrase, phrases, Section or Sections of this Title are determined to be invalid, it shall not affect the validity of the other Sections of this Title. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.230)

5.02.240 License Fee – Nonrefundable.

Any license fee submitted to the Auditor is nonrefundable. (Res. 18145 § 2 (part), 1975; prior Code § 50.01.240)

Chapter 5.04

BUSINESS LICENSE FEES

Sections:

5.04.010 Auditor's Fees.

5.04.020 Kennel, Cattery, Grooming Parlor, Short-Term Boarding Facility, and Pet Shop Fees.

5.04.030 Tacoma-Pierce County Health Department Fees.

5.04.040 Miscellaneous Fees.

5.04.010 Auditor's Fees.

A. **Photograph Fee.** When a County license, passport or other related business or form of identification requires an identification photograph, the Auditor may, at the applicant's request, photograph the applicant(s), and provide the necessary photograph for a fee of \$6.00 per photo.

B. **Peddlers and Solicitors.** The fee for a peddler's or solicitor's license issued to an individual shall be \$30.00 per year; provided further, that the fee for a peddler's or solicitor's license issued to any person, firm, or corporation which employs, hires, or engages others to act as peddlers or solicitors shall be as follows:

1. Having 1-10 such employees or agents.....\$ 60.00 per annum
2. Having 11-25 such employees or agents.....\$ 120.00 per annum
3. Having 26-49 such employees or agents.....\$ 180.00 per annum
4. Having 50 or more such employees or agent\$ 240.00 per annum

C. **Pawnbrokers, Secondhand, Antique, Junk and/or Salvage Dealers, Transient Traders in Secondhand Property, Garage Sales and Flea Markets.** The licenses for activities licensed pursuant to Chapter 5.12 PCC are as follows:

1. Pawnbrokers: \$600.00 per year;
2. Secondhand and/or antique dealers: \$120.00 per year;
3. Junk and/or salvage dealers: \$90.00 per year, if the area to be licensed is 40,000 square feet or less. In addition to the \$90.00 fee, there shall be a fee of \$60.00 per year for each 40,000 square feet or portion thereof over the original 40,000 square feet;
4. Transient trader in secondhand property: \$48.00 per year;
5. Garage sales: no fee;
6. Flea markets: \$120.00 per year for each 2,000 square feet or portion thereof available for rent; provided, however, that the maximum fee shall be \$720.00 per year.

D. Adult Entertainment.

1. Erotic Dance studio license\$ 600.00
2. Manager's license\$ 50.00
First duplicate license\$ 30.00
3. Dancer's license\$ 60.00
First duplicate license\$ 30.00

E. Panorams, Previews, Picture Arcades and Peep Shows.

1. The license year shall be from January 1st to December 31st of each year. All licenses shall expire on the 31st of December each year. Except as hereinafter provided, all license fees shall be payable on an annual basis. Annual license fees shall be as follows:

Panoram premises license	\$ 600.00 per annum
Panoram device license	\$ 36.00 per annum, for each device
Panoram owner license.....	\$ 960.00 per annum

2. License fees shall not be prorated, except that if the original application for 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 subsection may not be assigned or transferred to other operators, premises or devices.
3. Applications for renewal of licenses issued under this subsection shall be filed with the Auditor on or before the expiration date provided for in this subsection in the same manner and accompanied by payment of the same fees as are in effect for an original application for that license for the license year applied for. There shall be assessed and collected by the Auditor an additional charge, computed as a percentage of the license fee, on renewal applications not made on or before the license expiration date, as follows:
 - a. One to ten days inclusive -- no penalty;
 - b. Eleven days to thirty days inclusive -- a penalty of 10 percent of the license fee;
 - c. Over thirty days -- canceled.

F. Carnivals and Circuses. The fee for a circus license shall be \$180.00 per day. The fee for a carnival license is as follows:

1. Five or less machines:\$60.00 for each week or portion thereof;
2. Over five riding devices: \$12.00 per week for each riding device over five in addition to the fees charged in A. above; or, in the alternative, an applicant for a carnival license may apply for an annual fee in the amount of \$240.00 in which case all other individual fees would not apply.

The term "machine" as used in this Section includes, but is not limited to, the following: riding devices; and coin-operated amusement games, machines and devices.

G. Taxicabs and Drivers.

1. Taxicab company/business: \$120.00 per annum for each taxicab actually operated by the applicant;
2. Taxicab Driver's Permit.....\$ 30.00

H. Wrecking Yards. The motor vehicle wrecker license fee shall be \$90.00 per annum for wrecking yards.

I. Public Dances, Cabarets, Dance Halls and Teenager Dances.

1. Cabaret: \$600.00 per year
2. Public dance hall: \$120.00 per year,
which shall include the right to have teenage dances
3. Public dances:
 - a. \$30.00 per night per individual dance when liquor is present and live entertainment is utilized.

- b. \$30.00 per night per individual dance when liquor is not present and live entertainment is utilized; or when liquor is present and live entertainment is not utilized.
 - c. \$30.00 per night per individual dance when liquor is not present and live entertainment is not utilized.
 - 4. Teenager dances: Shall be licensed in the same manner as public dances.
- J. Amusement Games, Machines and Devices.**
- 1. Machines. The fee for each device defined in Pierce County Code 5.36.010 shall be payable in advance quarterly, semi-annually or annually, as follows:
 - a. "Amusement machines"\$2.40 per month for each machine.
 - b. "Music machines"\$2.40 per month for each machine.
 - c. "Game table machines"\$6.00 per month for each machine.Where a licensee already having machines licensed adds to his holdings, then these additional machines may be paid for on a monthly basis in order to have all machines come due at the same time.
 - 2. Master Operator's License.
 - a. 0-5 devices..... no master license required
 - b. 6-25 devices.....\$ 120.00 per annum
 - c. 26-50 devices.....\$ 180.00 per annum
 - d. 51-100 devices.....\$ 240.00 per annum
 - e. 101-150 devices.....\$ 300.00 per annum
 - f. 151-200 devices.....\$ 360.00 per annum
 - g. 201-250 devices.....\$ 420.00 per annum
 - h. 251-300 devices.....\$ 480.00 per annum
 - i. Over 300 devices\$ 780.00 per annum
 - 3. Master Distributor's License. The fee for a Master Distributor's License shall be \$1,200.00 per annum.
 - 4. Location License. The fee for such Location License is as follows:
 - a. 1-3 devices.....\$ 12.00 per annum
 - b. 4-10 devices.....\$ 30.00 per annum
 - c. 11 or more devices\$ 120.00 per annumThe fee to be paid by the location shall be withheld from the proceeds as taken from the device. It shall be the responsibility of the operator to withhold adequate sums from the proceeds. The operator shall account to the location the amount withheld and shall be deemed a trustee for said proceeds and shall pay said proceeds for and on behalf of the location to the County for the purposes of adequately maintaining the location's license. The operator must, on or before the first working day of each calendar quarter, provide under oath to the Pierce County Auditor's Office and to the location, a sworn affidavit indicating that said location license has been paid out of the proceeds and the date of payment and the serial number and license number of the machine paid upon.
- K. Massage Parlors and Bathhouses.**
- 1. Establishment License. The fee for an establishment license and/or renewal shall be \$600.00 per year. Such fee is not refundable except as provided in Section 5.38.110. The purpose of such fee shall be as follows:
 - a. The County Sheriff's investigation of the applicant and the statements made in the application;
 - b. The County planner's determination of compliance with the zoning code;

- c. The County building inspector's determination of compliance with the building plumbing, electrical and other related codes;
 - d. The County department's determination of compliance with regulations of the Fire Prevention Code;
 - e. Further investigation and inspection of the establishment premises as set forth in Sections 5.38.340 and 5.38.350;
 - f. The Auditor's issuance of such license.
2. **Massagist's Permit.** The fee for a massagist's permit and/or renewal shall be \$180.00 per year. Such fee is not refundable except as provided in Section 5.38.110. The purpose of such fee shall be as follows:
 - a. The County Sheriff's investigation of the applicant and the statements made in the application;
 - b. The Auditor's issuance of such license.
 3. **Fees – Expiration Date.** All licenses and permits shall expire on the 31st day of December of each year and there shall be no prorating of such fees; except, that when the original application for a license or permit is made subsequent to June 30, then the fee for the balance of that year shall be one-half of the annual fee.
 4. **Fees – Late Charge.** There shall be assessed by the Auditor an additional charge on applications not filed on or before said expiration date as follows:

<u>Days Past Due</u>	<u>Percent of License/Permit Fee</u>
7 – 30	25%
31 – 60	50%
61 or more	75%

- L. **Outdoor Public Music Festivals.** No outdoor music festival may be held in Pierce County outside the limits of incorporated cities and towns unless the person, persons, corporation or organization sponsoring said outdoor music festival shall first obtain a permit as provided in this Chapter, and shall comply with all regulations provided in this Title and that the fee for such permit to meet the cost of administering the same shall be \$3,000.00 for each event.

County governmental agencies or officials requested by an applicant to give approval as required by this Title may, within 15 days after the applicant has filed his application, apply to the Auditor for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred, the Auditor shall reimburse the local governmental agency or official from the funds of the permit fee. The Auditor shall return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

No license shall be available for an event of more than one day's duration. No license shall be issued for consecutive days to the same sponsors for the same event on the same premises.

- M. **Rental Agencies.** The license fee for a rental agency license shall be \$180.00 per annum.

(Ord. 2003-119s2 § 3 (part), 2003)

5.04.020 Kennel, Cattery, Grooming Parlor, Short-Term Boarding Facility, and Pet Shop Fees.

The application for a commercial kennel or cattery, foster shelter/kennel/cattery, boarding kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop license as required by Chapter 5.24 shall be accompanied by a fee as follows:

Commercial Kennel or Cattery	\$ 250.00
Boarding Kennel or Cattery	\$ 200.00
Foster Shelter/Kennel/Cattery.....	\$75.00 if all altered, \$150.00 if not
Hobby Kennel/Cattery (6 to 20 dogs and/or cats)	\$ 150.00
Grooming Parlor	\$ 100.00
Pet Shop	\$ 200.00
Private Kennel/Cattery.....	\$ 150.00
Short-Term Boarding Facility.....	\$ 200.00

Any person who has a change in the category under which a permit was issued shall be subject to reclassification and an appropriate adjustment of the permit fee.

If the license is denied, no part of the application fee shall be refunded to the applicant. (Ord. 2006-22 § 1, 2006; Ord. 2003-119s2 § 2 (part), 2003)

5.04.030 Tacoma-Pierce County Health Department Fees.

- A. **Examination Fee.** The examination fee shall be \$100.00. Should the applicant fail the examination, the fee will not be refunded and the applicant must wait at least 60 days prior to retaking the examination. Each additional time an applicant takes the examination, he must pay the \$100.00 examination fee.
- B. **License Fee.** The license fee for a sewage system designer's license or an alternative sewage system designer's license shall be \$150.00, which amount includes the \$100.00 examination fee. The license renewal fee shall be \$25.00.

(Ord. 2003-119s2 § 3 (part), 2003)

5.04.040 Miscellaneous Fees.

- A. **Duplicate License Fee.** Any licensee who makes a change in trade or corporate name or who loses or misplaces his license card or certificate may obtain a new card or certificate from the Auditor without the necessity of submitting a new application by the payment of a \$5.00 fee, provided, the license has not expired.

(Ord. 2003-119s2 § 3 (part), 2003)

Chapter 5.10

PEDDLERS AND SOLICITORS

Sections:

- 5.10.010 License Required – Exceptions.**
- 5.10.020 Farmer's Permit Issued Free.**
- 5.10.030 Definitions.**
- 5.10.050 Peddling of Food – License Required.**
- 5.10.060 Facsimile Copies of License.**
- 5.10.070 Surety Bonds.**
- 5.10.080 Immediate Disclosure of Nature of Business Required.**
- 5.10.090 Misrepresentation of Facts.**
- 5.10.100 Receipt – Contents – Notice of Cancellation.**
- 5.10.110 Hours During Which Peddling Allowed.**
- 5.10.120 Peddling Flags, Emblems or Insignia of the United States, Washington State or Fraternal Organization Prohibited.**
- 5.10.130 Sale of Prize Packages Prohibited.**
- 5.10.140 Use of Motor Vehicle – Liability Insurance Required.**
- 5.10.150 Unlawful to Blockade Streets While Peddling.**
- 5.10.160 Unlawful to Peddle on Posted Premises.**
- 5.10.170 Violations Shall Constitute a Misdemeanor.**
- 5.10.180 Validity of this Chapter.**
- 5.10.190 Complying With State Law.**

Cross-reference: Chapter 36.71 RCW

5.10.010 License Required – Exceptions.

It is unlawful for any person to be or engage in business as a peddler or solicitor in Pierce County without first procuring a license so to do; provided, that no license shall be required for the peddling of, or soliciting orders for the sale of newspapers, bread, fresh milk, buttermilk, or ice, nor shall any license be required of any person holding a farmer's permit and peddling farm or dairy produce raised or produced by such person, nor shall any license be required of any person holding a home sales party; provided, further, that no license shall be required of any person who as an employee, agent, or independent contractor acts as a peddler or solicitor for or on behalf of a licensee; provided, further, that no license shall be required of any person who as an employee, agent, or independent contractor acts as a peddler or solicitor for or on behalf of a regulated utility. Each license shall show the name, address and telephone number, of the licensee, or for out-of-state licensees the name, address and telephone number of their registered agents; the license number; the number of the bond, if any, filed pursuant to Section 5.10.070; the commodities or services to be peddled or for which solicitation of orders is made; and the period for which such license is issued. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.010)

5.10.020 Farmer's Permit Issued Free.

It is unlawful for any farmer or gardener to peddle fruit, vegetables, berries, butter, eggs, poultry, or any other farm or dairy produce, raised or produced by such farmer or gardener, without first securing from the Auditor a permit so to do, to be known as a "farmer's permit," for which no fee of any kind whatsoever shall be charged. Every farmer or gardener desiring a free permit, as in this Section provided, shall make application therefor to the Auditor and execute an affidavit, to be sworn to, and acknowledge that he will, during the life of said farmer's permit, peddle only such articles or things enumerated in this Section, as have been raised or produced by him. The Auditor shall then deliver to such farmer or gardener a "farmer's permit". The permit shall be of form, design and material as prescribed by the Auditor and bear the words "farmer's permit" and the year during which the permit is issued. Farmer's permits shall be carried on the person of the holder of the permit while peddling such farm or dairy products. All farmer's permits shall expire on December 31 of the year issued. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.020)

5.10.030 Definitions.

The following words and terms, unless a different meaning clearly appears from the context, shall mean as follows:

A. "Peddler" means:

1. Any person who goes from house to house, or place to place, within Pierce County, selling and providing immediate delivery or performance, or offering for sale and immediate delivery or performance, any goods, wares, merchandise, services, or anything of value, to persons not commercial users or sellers of such commodities or services; or
2. Any person who, while selling and providing immediate delivery or performance, or offering for sale and immediate delivery and performance, any goods, wares, merchandise, services or anything of value, stands or sits in a doorway, any unenclosed vacant lot, parcel of land or in any other public place not used by such person as a permanent place of business.

B. "Solicitor" means:

1. Any person who goes from house to house or place to place within Pierce County, taking or offering to take orders for the sale of goods, wares, merchandise, services, or anything of value for future delivery or performance from persons not commercial users or sellers of such commodities or services; or
2. Any person who, while taking or offering to take orders for the sale of goods, wares, merchandise, services, or anything of value for future delivery or performance, stands or sits in a doorway, any unenclosed vacant lot, parcel of land, or in any other public place not used by such person as a permanent place of business.

C. The terms "peddler" and "solicitor" shall include any person, firm, or corporation which employs, hires, or engages others to act as peddlers or solicitors whether as employees, agents or independent contractors, but shall not include any person making solicitations for charitable or religious purposes.

D. The term "home sales party" means gatherings in private residences where goods, wares, merchandise, services, or anything of value, is sold or offered for sale, and where all persons attending as invited guests have been told, at least 24 hours prior to the gathering, that the purpose of such gathering is the solicitation of orders for, or sale of, such goods, wares, merchandise, services or other thing of value.

(Res. 18429 § 2 (part), 1975; prior Code § 50.03.030)

5.10.050 Peddling of Food – License Required.

No one shall peddle tamales, sandwiches, box lunches, cakes, cookies, pies, doughnuts or similar foods, unless the same have been manufactured, prepared, produced or concocted in a place covered by a permit issued by the Director of Public Health pursuant to ordinances relating thereto; provided, that before the issuance of any license for the peddling of any such foods, the Auditor may require the applicant for such license to exhibit the original or a copy of such permit. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.040)

5.10.060 Facsimile Copies of License.

Each licensee which employs, hires, or engages others to act as peddlers or solicitors shall furnish as credentials to each employee, agent, independent contractor, or other person peddling or soliciting for or on behalf of such licensee, a facsimile copy of its license upon which shall appear the typed or printed name and address, and the signature of the person to whom such facsimile copy is issued. Such facsimile copies may be obtained from the Auditor upon payment of ten cents per copy. A licensee shall be responsible for the conduct and acts performed within the scope of employment or contract of any person peddling or soliciting for or on behalf of the licensee, and shall maintain a list of all persons to whom facsimile copies of its license have been issued. It is unlawful for any licensee or any person to whom such facsimile copy is required to be issued to peddle or solicit without having in his possession such license or a facsimile copy thereof, which shall be shown to all prospective buyers, and to any police officer or deputy sheriff or license officer of the County upon the request of such officer. Such facsimile copies shall be nontransferable and shall at all times remain in the possession of the person to whom issued. Whenever any person to whom a facsimile copy has been issued by a licensee ceases to act as a peddler or solicitor for or on behalf of such licensee, notification thereof shall be given to the Auditor by the licensee and the facsimile copy issued to such person shall be surrendered to the Auditor by the licensee within two weeks of such notification. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.050)

5.10.070 Surety Bonds.

Each applicant for a peddler's or solicitor's license shall file with the Auditor a surety bond naming the County as obligee in the penal sum of \$1,000.00 if such licensee has ten or less employees, or \$2,000.00 if such licensee has more than ten employees, and conditioned as follows:

- A. That the principal, its employees and agents, will comply with the terms of this Chapter and all other applicable license and consumer protection ordinances;
- B. To save harmless and indemnify all persons who shall suffer loss or damage on account of the failure of the principal or any of its employees or agents to comply with the terms of this and other applicable license and consumer protection ordinances, or to deliver commodities or services in accordance with any agreement or contract made with such persons, and such persons shall have a right of action on such bond for any such loss or damage;
- C. That the aggregate liability of the surety for all claims against such bond shall not exceed the penal amount thereof;
- D. That the liability of the surety may be terminated by the surety by service of written notice upon the Auditor not less than 15 days prior to the effective date of such termination;

- E. That no claim shall be made against such bond more than one year following the time when the claimant became aware, or should have become aware, of the facts upon which such claim is based; provided, that in lieu of such bond, any applicant may file with the Auditor a deposit consisting of cash or other security acceptable to the Auditor.

Any person having an unsatisfied final judgment against the applicant for any items referred to in this Section may execute upon the security held by the Auditor by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the Auditor within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy, the Auditor shall pay or order paid from the deposit, through the registry of the Superior Court which rendered judgment, toward the amount of the unsatisfied judgment. The priority of payment by the Auditor shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

The Auditor may promulgate rules and regulations necessary for the proper administration of the security.

(Res. 18429 § 2 (part), 1975; prior Code § 50.03.051)

5.10.080 Immediate Disclosure of Nature of Business Required.

In addition to complying with the provisions of 5.10.060, each person engaged in peddling or soliciting for the sale of goods or services at the residence of a prospective buyer, shall at the outset disclose to the prospective buyer his name and the company or product he represents, and if requested so to do, shall immediately leave the premises. It is unlawful for any peddler or solicitor to make any assertion, representation or statement of fact which misrepresents the purposes for his call, or to use any plan, scheme, or ruse which misrepresents such purpose.

(Res. 18429 § 2 (part), 1975; prior Code § 50.03.052)

5.10.090 Misrepresentation of Facts.

It is unlawful for any peddler or solicitor to make or cause to be made, directly or indirectly, for the purpose of selling or procuring an order for the sale of any goods, wares, merchandise, services, or anything of value, any assertion, representation, or statement of fact which is untrue, deceptive or misleading. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.053)

5.10.100 Receipt – Contents – Notice of Cancellation.

Every sale made or order taken by a peddler or solicitor required to be licensed by this Chapter shall be evidenced by a signed receipt, contract, or other signed memorandum of the transaction which shall be given to the purchaser. Such receipt, contract, or memorandum shall state the date and terms of the transaction, the amount of any payment made, the name and address of the peddler or solicitor, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten points, the following notice:

"NOTICE TO BUYER"

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

The seller must furnish each buyer, at the time he signs any sales contract or otherwise buys or agrees to buy goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION," which shall be attached to the contract, receipt, or memorandum and easily detachable, and which shall contain in ten point bold type the following information and statements in the same language, e.g., Spanish, as that used in such contract, receipt or memorandum:

"NOTICE OF CANCELLATION"

enter date of transaction

"YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.

"IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELED.

"IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

"IF YOU MAKE THE GOODS AVAILABLE TO THE SELLER AND IF THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR THE FULL PERFORMANCE OF THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM TO _____,

(Name of Seller)

AT _____.

(Address of Seller's Place of Business)

NOT LATER THAN MIDNIGHT OF _____.

(Date)

"I HEREBY CANCEL THIS TRANSACTION."

(Date)

(Buyer's signature)

The sending of any such notice of cancellation within the specified period shall operate to cancel the purchase made or contract entered into, and the seller shall thereupon, without request, refund to the buyer any deposit or payment made, and in accordance with such notice of cancellation may reclaim from the buyer at the place of delivery any goods received by the buyer under such purchase or contract.

(Res. 18429 § 2 (part), 1975; prior Code § 50.03.054)

5.10.110 Hours During Which Peddling Allowed.

It is unlawful for any person to peddle or solicit before the hour of 8 a.m. of any day, or after the hour of 9 p.m. of any day without the specific prior consent of the prospective buyer. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.055)

5.10.120 Peddling Flags, Emblems or Insignia of United States, Washington State or Fraternal Organizations Prohibited.

It is unlawful to peddle or give, and no peddler's license issued under the provisions of this Chapter shall authorize the peddling, or the giving, with the request for a donation in connection therewith, of any flag, emblem, badge, shield or other insignia of the United States, State of Washington, or any fraternal organization. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.070)

5.10.130 Sale of Prize Packages Prohibited.

No peddler's license issued under the provisions of this Chapter shall authorize the selling of prize packages or the disposition of any article or thing in any form, by chance or lot, nor shall it permit misrepresentation of the quantity quality or origin of any article or thing so peddled. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.080)

5.10.140 Use of Motor Vehicle – Liability Insurance Required.

It is unlawful for anyone to use a motor vehicle for peddling, or for the owner of any motor vehicle to permit such vehicle to be used for peddling, unless such owner maintains public liability and property damage insurance covering the use and operation of such vehicle while peddling, in the amounts hereinafter provided, and no peddler's license shall be issued for peddling with any motor vehicle unless the owner of the motor vehicle to be so used has filed with the Auditor a policy or policies of public liability insurance providing coverage for personal injury to or death of any one person in the amount of at least \$10,000.00, and subject to the aforesaid limit of any one person injured or killed, of at least \$20,000.00 for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least \$5,000.00 resulting from any one accident. Such policy or policies must contain an endorsement providing for ten days notice to the Auditor in the event of any change or cancellation.

It is unlawful to operate or permit to be operated any motor vehicle for peddling unless there shall accompany such vehicle a valid and subsisting certificate from the insurer setting forth the make, type and motor number or identification number of the vehicle and the name of the company providing the public liability insurance herein required and the insurance policy number or numbers.

The Auditor shall provide one or more tags or plates for each motor vehicle to be used for peddling by any licensee, which tag or plate shall evidence that all required insurance has been filed and all necessary peddler's licenses obtained. The form, material and positioning of each tag or plate shall be as prescribed by the Auditor. It is unlawful to operate or permit to be operated any such motor vehicle without having the tags or plates required by this Section conspicuously posted thereon in the manner prescribed, or to operate such vehicle with illegible or expired tags or plates.

Such tags or plates shall remain the property of Pierce County and shall be returned to the Auditor immediately upon cancellation of the insurance or upon the closing of the business. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.085)

5.10.150 Unlawful to Blockade Streets While Peddling.

It is unlawful for any person, either selling, or offering for sale, any article, by peddling or soliciting in any place, to obstruct or cause to be obstructed, the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where an article is being sold or offered for sale. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.090)

5.10.160 Unlawful to Peddle on Posted Premises.

It is unlawful for any peddler or solicitor to ring the bell, or knock on the door or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence or dwelling at which a sign bearing the words "No Peddlers or Solicitors" or words of similar import indicating that peddlers or solicitors are not wanted on said premises, is painted, affixed or otherwise exposed to public view; provided, that this Section shall not apply to any peddler or solicitor who rings the bell, knocks on the door or otherwise attempts to gain admittance to such residence or dwelling at the invitation or with the consent of the occupant thereof. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.095)

5.10.170 Violations Shall Constitute a Misdemeanor.

Violations of Sections 5.10.060, 5.10.080, 5.10.090, 5.10.100, 5.10.110, 5.10.120, 5.10.130, 5.10.150, and 5.10.160 shall constitute a misdemeanor and be punishable by a fine no greater than \$250.00. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.100)

5.10.180 Validity of This Chapter.

If any phrase, phrases, Section or Sections of this Chapter are determined to be invalid, it shall not affect the validity of the other Sections of this Chapter. (Res. 18429 § 2 (part), 1975; prior Code § 50.03.110)

5.10.190 Complying With State Law.

The intent of this Chapter is to supplement the provisions of the Revised Code of Washington, Chapter 36.71. If any provisions of this Chapter are ruled inconsistent with RCW 36.71, the latter will prevail.

The Auditor shall act as agent for Pierce County and shall perform any and all duties contemplated by RCW 36.71.

(Res. 18429 § 2 (part), 1975; prior Code § 50.03.120)

Chapter 5.12

***PAWNBROKERS, SECONDHAND, ANTIQUE, JUNK AND/OR SALVAGE DEALERS,
TRANSIENT TRADERS IN SECONDHAND PROPERTY,
GARAGE SALES AND FLEA MARKETS***

Sections:

- 5.12.010 Definitions.**
- 5.12.020 License Required.**
- 5.12.040 Investigation by Sheriff, Building and Fire Officials.**
- 5.12.050 Applications for Pawnshop.**
- 5.12.060 Limitation on Number of Pawnbrokers.**
- 5.12.070 Awarding of Pawnshop Licenses.**
- 5.12.080 Garage Sales Licenses.**
- 5.12.090 Customer Identification.**
- 5.12.100 Record of Transactions.**
- 5.12.110 Daily Reports to Sheriff.**
- 5.12.120 Issuance of Pawn Tickets.**
- 5.12.130 Retention of Property.**
- 5.12.140 Prohibited Transactions.**
- 5.12.150 Termination of Business.**
- 5.12.160 Purchasing of Property.**
- 5.12.170 Altered Serial Numbers.**
- 5.12.180 Flea Market Reports.**
- 5.12.190 Sheriff Holds.**
- 5.12.200 Disposal of Goods.**
- 5.12.210 Penalties.**
- 5.12.220 Intent.**

Cross-reference: Chapter 19.60 RCW

5.12.010 Definitions.

- A. "Antique dealer" means any person engaged, in whole or in part, in the business of selling antiques.
- B. "Antiques" means and includes works of art, pieces of furniture or decorative objects made at an earlier period.
- C. "Flea market" means and includes, but is not limited to, arrangements whereby a person or persons sell, lease, rent, offer or donate to one or more persons a place or area where such persons may offer or display secondhand or junk items. "Flea market" includes, but is not limited to, swap meets.
- D. "Garage sale" means and includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "estate sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

- E. "Junk and/or salvage dealers" means and includes, but is not limited to, old rope, iron, brass, copper, tin, lead, rags, empty bottles, paper, bagging, parts of machinery, scrap metal of all kinds, and such other worn-out or discarded material and odds and ends as can be turned to some use but which cannot be used again for the purpose for which they were originally intended.
- F. "Melted metals" means and includes all metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots produced from ore that has not previously been processed.
- G. "Metal junk" means and includes any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.
- H. "Pawnbroker" means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property, or who makes a public display at or near his place of business of any sign or symbol generally used by, pawnbrokers or of any sign indicating that he has money to loan on personal property on deposit or pledge.
- I. "Precious metal" means gold, silver and platinum.
- J. "Secondhand dealer" means every person engaged, in whole or in part, in the business of buying, selling, trading, or otherwise transferring for value, secondhand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.
- K. "Secondhand property" means and includes, but is not limited to, any and all used or secondhand goods or items of personal property which can be used again for the purpose for which they were originally intended. For the purposes of this Chapter, "secondhand goods" also includes valuable coins (coins with a value greater than their face value), precious metals, precious stones and jewelry, but shall not include bullion in the form of fabricated hallmarked bars.
- L. "Transient trader in secondhand and antique property" means any person being a natural person, corporation or any other form of entity or organization for the conduct of business, not maintaining a regular place of business for the conduct of trading in secondhand or antique property or pawnbroking within unincorporated Pierce County who advertises that they buy, trade or otherwise seek to acquire in any fashion, precious metals or secondhand property generally.

(Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.010)

5.12.020 License Required.

- A. It shall be unlawful for any person, in the unincorporated area of the County, without first obtaining a Pierce County license to:
 - 1. Engage in the business of pawnbroking; or
 - 2. Deal in secondhand or antique property; or
 - 3. Act as a transient trader in secondhand property; or
 - 4. Engage in the business of buying or selling salvage or junk; or
 - 5. Conduct a garage sale; or
 - 6. Conduct a flea market.
- B. The provisions of this Section shall not apply to or affect the following persons or sales:
 - 1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction; or
 - 2. Persons acting in accordance with their powers and duties as public officials; or

3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number; or
 4. Religious, charitable and nonprofit organizations; or
 5. Automobile dealers regulated under the Motor Vehicle laws of the State of Washington.
- C. All the provisions of Pierce County Code 5.02 shall govern the issuance, denial, suspension and revocation of permits; provided, however, that the applicant for a permit may secure a permit via letter or telephone calls, in the Auditor's discretion.
- (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.020)

5.12.040 Investigation by Sheriff, Building and Fire Officials.

Prior to the issuance of any pawnbrokers, secondhand or antique dealer or transient trader license:

- A. The Sheriff shall investigate the applicant as specified in Pierce County Code 5.02.030 and submit a written report to the Auditor stating his recommendation as to approval or disapproval of the application.
 - B. County Building and Fire Officers shall investigate the premises where the activity is to be conducted to determine compliance with applicable building, fire, health, sanitation, zoning and public safety requirements and submit a written report to the Auditor stating their recommendations as to approval or disapproval of the application.
 - C. If the Sheriff, Building or Fire Officials recommend disapproval, their reports shall specify the reasons for such recommendations.
- (Ord. 83-189 § 2 (part), 1984; prior Code 50.02.040)

5.12.050 Applications for Pawnshop.

- A. Applications for operation of a pawnshop in the County shall be on forms prepared by the Sheriff and shall be submitted to the Auditor.
 - B. Applications shall include such specific information regarding the applicant and the premises upon which the pawnshop activity is to be conducted as is required by the reviewing departments.
- (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.045)

5.12.060 Limitation on Number of Pawnbrokers.

The number of licenses issued for pawnbrokers shall be limited to a number of establishments in the unincorporated areas of the County based on a ratio of one pawnbroker per 35,000 inhabitants of the unincorporated area of the County. For this purpose, the population of the unincorporated areas of the County shall be that determined in the last preceding official United States Census of Pierce County. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.050)

5.12.070 Awarding of Pawnshop Licenses.

When additional pawnshop licenses become available due to the growth in population or to the cancellation or termination of existing licenses, the County Auditor shall notify all prospective applicants for pawnshop licenses of whom he has notice, of the time, date and place at which the Auditor shall conduct a drawing for the license application and:

- A. The winner(s) of the drawing shall receive an application form, which must be completed and returned to the Auditor with the license fee within three months of the date of the drawing. At the time of submission of the application, the premises upon which the pawnshop is to be conducted must be in a safe and usable condition in compliance with all applicable building, fire, zoning, health and safety regulations.
- B. The County shall review the application and notify the applicant within 30 days of receipt thereof of its decision to approve or reject it.
- C. If, after the application is approved, the pawnshop licensee fails to open for business within six months of the issuance of the license, or if the business is closed or abandoned at any time after the business is opened for a period in excess of six months, the pawnshop license granted under this Chapter shall become null and void, and shall be awarded to another applicant according to the procedures outlined in this Chapter; provided, that the pawnshop licensee may be granted additional time to open for business upon a showing of unusual or unforeseeable circumstances causing the delay.
- D. Notice of a denial of an application shall include a statement detailing the reasons therefor. If such denial is for the reasons that the premises to be used for the pawnshop do not comply with an applicable rule or regulation, the applicant shall be granted an additional 30 days to bring the premises into compliance and resubmit the application.
- E. The resubmitted application shall be reviewed within 15 days for the purposes of determining if the defect in the premises has been corrected. If the defect still exists, the Auditor's denial of the application shall be final and the license fee minus \$100.00 administrative costs shall be refunded.
- F. Upon final denial of the original application, the Auditor shall offer an application to the next successful applicant in the prior drawing. If there are no further applicants, the Auditor shall hold another drawing at such time as he receives a request for an additional license.

(Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.055)

5.12.080 Garage Sales Licenses.

No more than four garage sale licenses shall be issued to any one person within a 12-month period and no such license shall be issued for more than four consecutive days. Anyone attempting to conduct more than four garage sales in any one year shall be deemed to be a secondhand dealer, subject to the requirements contained in this Chapter. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.060)

5.12.090 Customer Identification.

It shall be the duty of every pawnbroker, secondhand and antique dealer, and transient trader in secondhand property doing business in unincorporated Pierce County, by some bona fide means of identification, to verify the identity of each customer from whom he acquires property by pawn, purchase or otherwise. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.070)

5.12.100 Record of Transactions.

- A. It shall be the duty of every pawnbroker, secondhand and antique dealer, and transient trader in secondhand property, at the time of each loan or purchase to legibly record in ink or type in the English language on such forms as the Sheriff may require, the following information which shall be maintained on the premises for a minimum of three years:

1. The date of the transaction;
 2. The name of the person or employee conducting the same;
 3. The driver's license number of the person with whom the transaction is made; except in the case of pawnbrokers or when a driver's license is not available, the following information is also required: the name, birthdate, address, sex, weight, height, hair and eye color, race, social security and/or military ID number, and written signature;
 4. A description of the property pledged or bought, including brand names, serial numbers, model, and in the case of jewelry and/or items made of precious metals, a description of all letters and marks inscribed thereon, design details, size and description of type and size of any gemstones set therein;
 5. The price paid or amount loaned;
 6. The number of any pawn ticket issued therefor.
- B. Secondhand, antique dealers and transient traders are not required to record purchases of the following items:
1. Clothing with a current resale value of less than \$75.00, except for items made partially or wholly from fur or leather.
 2. Nonidentifiable items or collections of items which the purchaser can establish with certainty have both an original retail price and a current value of less than \$25.00 and which contain no precious metals or precious or semiprecious stones.

(Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.080)

5.12.110 Daily Reports to Sheriff.

Every pawnbroker shall furnish, and every secondhand and antique dealer and transient trader in used property shall, upon request, furnish daily reports to the Sheriff on the original of the forms required pursuant to Section 5.12.100, containing a full, true and correct record of all transactions made on the previous day. Goods taken in trade or left on consignment shall be recorded in the same manner as property purchased outright. If such pawnbroker, secondhand and antique dealer, or transient trader in used property shall have reasons or cause to believe that any property in his possession had been previously lost or stolen, he shall forthwith report such fact to the Sheriff together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.090)

5.12.120 Issuance of Pawn Tickets.

Every pawnbroker shall issue numbered pawn tickets for all property received by him as pledges for loans, which ticket shall be considered receipt for such property. Tags shall be attached to all such property and upon each tag shall be written in legible figures a number which shall correspond to the number on the pawn ticket issued for such article or articles. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.100)

5.12.130 Retention of Property.

- A. Property purchased or received in pledge by any pawnbroker shall not be removed from that place of business, except when redeemed by the owner thereof, within 30 days after receipt thereof shall have been recorded, and reported to the Sheriff.
- B. Property purchased by any secondhand or antique dealer with a permanent place of business in the County except that property exempted from recording in subsection B. of Section 5.12.100, shall not be removed from that place of business within 15 days after receipt thereof shall have been recorded.

- C. Property purchased in the County by any secondhand or antique dealer, or transient trader in secondhand property without a permanent place of business in the County, shall be held within the County for 15 days after receipt thereof shall have been recorded, and reported to the Sheriff if requested herein.
- D. No pawnbroker shall sell any property held by him as security for a loan until 120 days have expired from the date of the original transaction.
- E. All property held pursuant to subsections A., B. and C. of this Section shall be available for inspection during regular business hours and/or other reasonable time by any commissioned law enforcement officer of the State or any of its political subdivisions.
- F. Property purchased from a secondhand dealer licensed in the County is exempt from the retention requirements set forth in this Section; provided, the property was previously held for the required minimum time by the secondhand dealer selling the property; and further provided, that the purchaser maintain a proper record of the purchase.

(Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.110)

5.12.140 Prohibited Transactions.

No pawnbroker, secondhand and antique dealer, or transient trader shall purchase or receive any property from any person under the age of 18 years, nor from any person under the influence of intoxicating liquor and/or drugs, nor from any habitual criminal, nor from any known thief, nor from a receiver of stolen property whether such person is acting in his own behalf or as the agent or another. No pawnbroking transaction, or any other part of such transaction, shall be carried on or conducted on any day before 8 a.m. or after 9 p.m.; nor on New Year's Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; provided, however, that such establishment may remain open for carrying on the business of retail merchandising at any time upon any day of the week unless otherwise prohibited by law. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.120)

5.12.150 Termination of Business.

Whenever any person engaged in business as a pawnbroker ceases, terminates or winds up such business, such intention shall be publicized by an advertisement in a daily newspaper published in the City of Tacoma, Pierce County, and such business shall be continued for a period of not less than 120 days from the date of such publication, during which period no additional loan shall be made; provided, however, that this Section shall not apply where such business is sold in its entirety to a pawnbroker, duly licensed pursuant to the provisions of this code, in which case a written list of all outstanding loans for which redemption periods have not expired shall be furnished to the Sheriff prior to the actual date of sale of such business. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.130)

5.12.160 Purchasing of Property.

Every pawnbroker, secondhand and antique dealer or transient trader licensed under this Chapter shall have the authority and the power to purchase used property, wares, merchandise, except motor vehicles, in their ordinary course of business as pawnbrokers, secondhand and antique dealers and transient traders; provided, that every purchase by a pawnbroker, secondhand and antique dealer and transient trader shall be pursuant to the regulations set forth in this Chapter; and provided further, that no pawnbroker shall purchase outright any junk as defined elsewhere in this code. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.140)

5.12.170 Altered Serial Numbers.

When any vehicle, equipment, device, or parts thereto is being inspected and a record thereof made as required in Section 5.12.100, if it appears that any of the numbers required to be recorded by said Section are intentionally defaced, changed or altered, in any manner, the person so recording shall immediately notify the Sheriff of such fact. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.150)

5.12.180 Flea Market Reports.

- A. Every proprietor of a flea market shall furnish weekly reports to the Sheriff, on such forms as the Sheriff may require therefor, a record which shall include:
 - 1. The name, address, telephone number and flea market stall number of each person renting a stall; and
 - 2. Such other information as is deemed necessary by the Sheriff to protect the public health, safety and welfare.
- B. Violation of this Section shall constitute grounds for revocation of the flea market license.

(Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.160)

5.12.190 Sheriff Holds.

If an item of property in the possession of a licensee under this Chapter is reported to a law enforcement agency as stolen, and the Sheriff's Office provides oral notification, followed by written notification within 72 hours to the licensee of said report, the property shall be held intact by the licensee, and tagged or otherwise suitably identified. The items so tagged or marked shall then be held by the licensee on its business premises until released by instrument in writing signed by the Sheriff, or by order of a court of competent jurisdiction. In any event, the hold will expire at the end of 120 days, unless renewed in writing by a law enforcement agency. The renewal period shall be of the same duration. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.170)

5.12.200 Disposal of Goods.

Sale of antiques and secondhand goods must be in compliance with all State laws and regulations, as now enacted or hereafter amended, which govern the sale of secondhand goods. Violation of State laws and regulations governing the sale of secondhand goods shall constitute a violation of this code. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.180)

5.12.210 Penalties.

- A. Every pawnbroker, secondhand, antique, junk and/or salvage dealer, flea market operator, or transient trader in secondhand property, and every clerk, agent or employee thereof, who intentionally:
 - 1. Fails to make an entry of any material matter in the record kept as provided in Section 5.12.100; or
 - 2. Makes any false entry therein; or
 - 3. Falsifies, obliterates, destroys or removes from his place of business such record; or
 - 4. Refuses to allow the County Sheriff or his Deputy to inspect the same, or any property in his possession, during the ordinary hours of business; or
 - 5. Reports any material matter falsely to the County Sheriff or his Deputy; or

6. Fails to report forthwith to the County Sheriff the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him; or
 7. Removes, or allows to be removed from his place of business, except upon redemption by the owner thereof, any property received in violation of the retention times contained in Sections 5.12.130 and 5.12.190; or
 8. Removes, alters, or obliterates any manufacturer's make, model or serial or identifying marks engraved or etched upon an item of personal property that was purchased, consigned or received in pledge; or
 9. Receives any property from any person under the age of 18 years, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person is acting in his own behalf or as the agent of another; shall be guilty of a gross misdemeanor.
- B. Every person conducting a garage sale without a license shall be guilty of a misdemeanor.
- C. In addition to any other remedies provided by law, if the Sheriff's Office has probable cause to believe that a pawnbroker, secondhand or antique dealer or transient trader in used property has violated any requirements of this Section, it may:
1. Serve the alleged violator with a written notice of intent to suspend or revoke the license of the alleged violator; which notice shall include language contained in subsection C.2. of this Section, explaining the right to a hearing.
 2. Any person who has received a notice of the Sheriff's intent to suspend or revoke a license shall have the right to a hearing of the Sheriff's decision by the Pierce County Hearing Examiner. Such hearing shall be initiated by serving on the County Council a request for hearing within 30 days of the receipt of the notice of intent to suspend or revoke. If a request for hearing is not made within 30 days of receipt of the Sheriff's notice of intent, the suspension or revocation set forth in the notice of intent shall automatically become effective.
- (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.190)

5.12.220 Intent.

The intent of this Chapter is to supplement the provisions of RCW Chapter 19.60. (Ord. 83-189 § 2 (part), 1984; prior Code § 50.02.200)

Chapter 5.14

**ADULT ENTERTAINMENT INDUSTRY
LICENSING AND REGULATION**

Sections:

- 5.14.010 Definitions.**
- 5.14.020 Prima Facie Evidence of Erotic Dance Studio.**
- 5.14.030 Studio License – Application to Auditor.**
- 5.14.040 Studio License – Information Required.**
- 5.14.060 Studio License – Transmittal of Application.**
- 5.14.070 Studio License – Issuance.**
- 5.14.080 Studio License – Expiration.**
- 5.14.090 Studio License – Renewal.**
- 5.14.100 Dancer's License – Required.**
- 5.14.110 Manager's License – Required.**
- 5.14.120 Dancer's/Manager's License – Application to Auditor.**
- 5.14.130 Dancer's/Manager's License – Information Required.**
- 5.14.150 Dancer's/Manager's License – Issuance.**
- 5.14.160 Dancer's/Manager's License – Expiration.**
- 5.14.170 Dancer's/Manager's License – Renewal.**
- 5.14.180 Manager on Premises.**
- 5.14.190 Operation Restrictions – Unlawful Acts Designated.**
- 5.14.200 Public Display Prohibited.**
- 5.14.210 Inspection of Records and Premises Authorized.**
- 5.14.220 Standards for Denial of License.**
- 5.14.230 Standards for Revocation – Suspension of License.**
- 5.14.240 Appeal and Hearing.**
- 5.14.250 Violation – Penalty.**
- 5.14.260 Severability.**

5.14.010 Definitions.

In this Chapter, the following definitions shall apply unless the context clearly requires otherwise:

- A. "Auditor" means the Pierce County Auditor and/or his/her employee or agent.
- B. "Dancer" means a person who dances or otherwise performs for or at an erotic dance studio and seeks to arouse or excite the patrons' sexual desires.
- C. "Employee" means any and all persons, including dancers, lessees and independent contractors, who work in or at or render any services to the operation of an erotic dance studio.
- D. "Erotic dance studio" means a fixed place of business which emphasizes and seeks, through one or more dancers, to arouse or excite the patrons' sexual desires.
- E. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity at an erotic dance studio.

- F. "Sheriff" means the Pierce County Sheriff and his/her agents.
- G. "Verified" means
 - 1. Attested to by the applicant or licensee in writing, and
 - 2. Notarized.

(Ord. 94-5 § 2 (part), 1994)

5.14.020 Prima Facie Evidence of Erotic Dance Studio.

It shall be prima facie evidence that a business is an erotic dance studio when one or more dancers display or expose, with less than a full opaque covering, that portion of the female breast lower than the upper edge of the areola and/or any portion of the human genitals. (Ord. 94-5 § 2 (part), 1994)

5.14.030 Studio License – Application to Auditor.

Application for erotic dance studio license shall be made to the Auditor. (Ord. 94-5 § 2 (part), 1994)

5.14.040 Studio license – Information Required.

An application for erotic dance studio license shall be verified and shall contain or set forth the following information:

- A. The name, address, telephone number, principal occupation, and age of the applicant;
- B. The name, address, and principal occupation of the managing agent or agents of the business;
- C. The business name, business address, and business telephone number of the establishment or proposed establishment together with a description of the nature of the business and magnitude thereof;
- D. Whether the business or proposed business is the undertaking of a sole proprietorship, partnership, or corporation:
 - 1. If a sole proprietorship, the application shall set forth the name, address, telephone number, and principal occupation of the sole proprietor.
 - 2. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations, and respective ownership shares of each partner, whether general, limited, or silent.
 - 3. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers, and principal occupations of every officer, director, and shareholder (having more than 5 percent of the outstanding shares) and the number of shares held by each;
- E. The names, addresses, telephone numbers, and principal occupations of every person, partnership, or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business.

(Ord. 94-5 § 2 (part), 1994)

5.14.060 Studio License – Transmittal of Application.

Within seven days of receipt of an application for an erotic dance studio license, the Auditor shall transmit copies of such application to the Sheriff for review and recommendation, and to the Fire Prevention Bureau and the Planning and Land Services Department for review and report as to the Applicant's compliance with all applicable fire, building, and zoning requirements of Pierce County. (Ord. 94-5 § 2 (part), 1994)

5.14.070 Studio License – Issuance.

The Auditor shall issue an erotic dance studio license within 30 days of receipt of both a properly-completed application and application fee, and upon finding that the business complies with all applicable fire, building, and zoning codes. (Ord. 94-5 § 2 (part), 1994)

5.14.080 Studio License – Expiration.

An erotic dance studio license shall expire on December 31st of the year in which it is issued. (Ord. 94-5 § 2 (part), 1994)

5.14.090 Studio License – Renewal.

An erotic dance studio license may be renewed or reinstated after a period of revocation by following the application procedures set forth in Sections 5.14.030 through 5.14.080. (Ord. 94-5 § 2 (part), 1994)

5.14.100 Dancer's License – Required.

No person, whether employee or non-employee, shall dance at an erotic dance studio without a valid dancer's license issued by the Auditor. (Ord. 94-5 § 2 (part), 1994)

5.14.110 Manager's License Required.

No person shall work as a manager at an erotic dance studio without having first obtained a manager's license from the Auditor. (Ord. 94-5 § 2 (part), 1994)

5.14.120 Dancer's/Manager's License – Application to Auditor.

Application for dancer's/manager's licenses shall be made to the Auditor. (Ord. 94-5 § 2 (part), 1994)

5.14.130 Dancer's/Manager's License – Information Required.

An application for dancer's/manager's license shall contain or set forth the following information:

- A. The applicant's signature notarized or certified to be true under penalty or perjury.
- B. The applicant's name, home addresses (current and former), home telephone number, date of birth, and aliases (past or present), photograph, fingerprints, and social security number.
- C. Documentation that the applicant has attained the age of 18 years. Any two of the following shall be accepted as documentation of age:
 1. A valid motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 2. An identification card bearing the applicant's photograph and date of birth issued by a federal or state government agency;
 3. An official passport issued by the United States of America.
 4. A certificate of birth.
- D. The business name and address where the applicant intends to dance/work.

(Ord. 94-5 § 2 (part), 1994)

5.14.150 Dancer's/Manager's License – Issuance.

The Auditor shall issue a temporary license promptly upon receipt of both a properly-completed application form and the license fee. An annual license shall not be issued until the Sheriff has completed an investigation of the applicant, made his recommendation as to approval or disapproval of the application, and all costs associated with the investigation have been paid by the applicant. (Ord. 2009-47 § 3, 2009; Ord. 94-5 § 2 (part), 1994)

5.14.160 Dancer's/Manager's License – Expiration.

A dancer's/manager's license shall expire one year after the date of issuance. (Ord. 94-5 § 2 (part), 1994)

5.14.170 Dancer's/Manager's License – Renewal.

A dancer's/manager's license may be renewed or reinstated after a period of revocation by following the application procedures set forth in Sections 5.14.120 through 5.14.150. (Ord. 94-5 § 2 (part), 1994)

5.14.180 Manager on Premises.

- A. A licensed manager shall present be on the premises of an erotic dance studio at all times when open for business.
- B. It shall be the responsibility of the manager to verify that any dancer within the premises possesses a current and valid dancer's license.
- C. The manager shall, upon request by any law enforcement officer or business license inspector, make available for inspection the dancers' licenses required to be on the premises as described herein.

(Ord. 94-5 § 2 (part), 1994)

5.14.190 Operation Restrictions – Unlawful Acts Designated.

Violation of any subsection (A.-S.) shall be a separate and distinct offense.

- A. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an erotic dance studio without a valid erotic dance studio license issued pursuant to this Chapter.
- B. No later than March 1 of each year, an erotic dance studio licensee shall file a verified report with the Auditor showing the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.
- C. An erotic dance studio licensee shall maintain and retain for a period of two years the names, addresses, and ages of all persons employed as dancers by the licensee.
- D. No erotic dance studio licensee shall employ as a dancer a person under the age of 18 years of age or a person not licensed pursuant to this Chapter.
- E. No person under the age of 18 years shall be admitted into an erotic dance studio.
- F. No erotic dance studio licensee shall serve, sell, distribute, consume, or possess any intoxicating liquor or controlled substance upon the premises of the licensee.
- G. An erotic dance studio licensee shall conspicuously display the studio licenses required by this Chapter.
- H. All dancing shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor and no closer than ten feet to any patron.
- I. No dancer or employee shall fondle, caress, or touch any patron in a manner which seeks to arouse or excite the patrons' sexual desires.
- J. No patron shall fondle, caress, or touch any dancer or employee in a manner which seeks to arouse or excite the patrons' sexual desires.

- K. No patron shall pay or give any gratuity directly to any dancer.
 - L. No dancer shall solicit any pay or gratuity directly from any patron.
 - M. No dancer or employee shall expose their breasts below the top of the areola or expose any portion of the pubic hair, vulva or genitals, anus and/or buttocks, except upon a stage at least 18 inches above the immediate floor level and removed at least 10 feet from the nearest patron.
 - N. The stage or the entire interior portion of cubicles, rooms, or stalls wherein adult entertainment is provided must be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.
 - O. No activity or dancing occurring on the premises shall be visible at any time from any public place.
 - P. No dancer shall be visible from any public place during the hours of their employment, or apparent hours of their employment on the premises.
 - Q. A 36" x 24" sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:
THIS EROTIC DANCE STUDIO IS REGULATED BY PIERCE COUNTY.
 - 1. ALL DANCING MUST OCCUR ON STAGE AND NO CLOSER THAN TEN FEET TO ANY PATRON.
 - 2. DANCERS AND EMPLOYEES ARE NOT PERMITTED TO TOUCH, CARESS OR FONDLE ANY PATRON IN A MANNER WHICH SEEKS TO AROUSE OR EXCITE THE PATRONS' SEXUAL DESIRES.
 - 3. PATRONS ARE NOT PERMITTED TO TOUCH, CARESS OR FONDLE ANY DANCER OR EMPLOYEE IN A MANNER WHICH SEEKS TO AROUSE OR EXCITE THE PATRONS' SEXUAL DESIRES.
 - 4. NO MONEY OR GRATUITY MAY BE ACCEPTED OR SOLICITED BY ANY DANCER FROM A PATRON.
 - R. Dances/performances/exhibits that are obscene are not permitted. Obscene is defined as:
 - 1. Whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; and
 - 2. Whether applying those same contemporary community standards, the average person would find that the work depicts or describes in a patently offensive way, the following sexual conduct:
 - a. ultimate sexual acts, normal or perverted, actual or simulated; or
 - b. masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibitions of the genitals or genital area; or
 - c. violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and
 - 3. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - S. This Chapter shall not be construed to prohibit:
 - 1. Plays, operas, musicals, or other dramatic works which are not obscene;
 - 2. Classes, seminars, and lectures held for serious scientific or educational purposes; or
 - 3. Exhibitions or dances which are not obscene.
- (Ord. 94-5 § 2 (part), 1994)

5.14.200 Public Display Prohibited.

No person, firm, partnership, corporation or other entity shall publicly display or expose or cause public display or exposure, with less than a full opaque covering of any portion of a person's genitals, pubic area, or buttocks in an obscene fashion. (Ord. 94-5 § 2 (part), 1994)

5.14.210 Inspection of Records and Premises Authorized.

All books and records required to be kept pursuant to this Chapter shall be open to inspection by the Auditor, Sheriff, Prosecuting Attorney, or agents thereof, during the hours when the erotic dance studio is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this Chapter. (Ord. 94-5 § 2 (part), 1994)

5.14.220 Standards for Denial of License.

The Auditor shall deny any erotic dance studio/dancer/manager license applied for under provisions of this Chapter if he/she determines that the applicant has:

- A. Made a materially false statement in the application for a license which the applicant knows to be false. "Materially false statement" means any false statement, oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the license application;
- B. Proposed a place of business or establishment to be licensed which does not comply with all applicable requirements of the fire, building, and zoning codes of Pierce County.

(Ord. 94-5 § 2 (part), 1994)

5.14.230 Standards for Revocation and Suspension of License.

- A. The Auditor shall revoke or suspend, for a specified period of not more than one year, any erotic dance studio license if he/she determines that the licensee or applicant has: made a materially false statement in the application for a license which the applicant knows to be false; or violated or permitted violation of any provisions of this Chapter.
- B. The Auditor shall revoke or suspend, for a specified period of not more than one year, any dancer/manager license if he/she determines that the licensee or applicant has: made a materially false statement in the application for a license which the applicant knows to be false; or violated or permitted violation of any provisions of this Chapter.

(Ord. 94-5 § 2 (part), 1994)

5.14.240 Appeal and Hearing.

- A. Any applicant/licensee that has had a license denied, revoked or suspended by the Auditor shall have the right to appeal such action to the Pierce County Hearing Examiner, by filing a notice of appeal with the Auditor within ten working days after receiving notice of the action. The matter shall be heard within 90 days by the Hearing Examiner, unless the parties agree otherwise.
- B. The filing of an appeal by an applicant/licensee shall stay the action of the Auditor, pending a resolution of the matter.
- C. The decision of the Hearing Examiner shall be based upon a preponderance of the evidence.
- D. The burden of proof shall be on the Auditor.
- E. The decision of the Hearing Examiner shall be final unless appealed to Superior Court within ten working days from the date the decision is entered by filing an appropriate action and serving all necessary parties.

(Ord. 94-5 § 2 (part), 1994)

5.14.250 Violation – Penalty.

In addition to or as an alternative to any other penalty provided herein or by law, any person, firm, or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any violation is committed, continued, or permitted, and upon conviction of any such violation such person, firm, or corporation shall be punished by a fine of not more than \$1,000.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; provided, no person shall be deemed guilty of any violation of this Chapter if acting in an investigative capacity pursuant to the request or order of the Sheriff or Prosecuting Attorney or duly appointed agent thereof. (Ord. 94-5 § 2 (part), 1994)

5.14.260 Severability.

If any Section, sentence, clause, or phrase of this Chapter shall be held invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other Section, sentence, clause, or phrase of this Chapter. (Ord. 94-5 § 2 (part), 1994)

Chapter 5.16

PANORAMS, PREVIEWS, PICTURE ARCADES AND PEEP SHOWS

Sections:

- 5.16.005 Purpose.**
- 5.16.010 Definitions.**
- 5.16.020 Applicability.**
- 5.16.030 Panoram Premises License Required.**
- 5.16.040 Panoram Owner's License Required.**
- 5.16.050 Panoram Device License Required.**
- 5.16.070 License Application – Report by County Departments.**
- 5.16.080 Inspection of Panoram Premises.**
- 5.16.090 Issuance of Licenses.**
- 5.16.100 Suspension or Revocation of Licenses – Notice Summary Suspension.**
- 5.16.110 Appeal and Hearing.**
- 5.16.120 Premises Regulations.**
- 5.16.130 Violation a Misdemeanor.**
- 5.16.140 Severability.**
- 5.16.150 Compliance.**

5.16.005 Purpose.

This Chapter is intended to protect the general public, health, safety, and welfare of the citizenry of Pierce County through the regulation of the operations of panoram premises. The regulations set forth herein are intended to prevent health and safety problems in and around panoram premises and to prevent dangerous and unlawful conduct in and around panoram premises. (Ord. 86-38 § 1 (part), 1986)

5.16.010 Definitions.

As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- A. "Auditor" means the Pierce County Auditor and/or his employee or agent.
- B. "Panoram," "preview," "picture arcade" or "peep show" means any device which, for payment of a fee, membership fee, or other charge, is used to view, exhibit or display a film, videotape, or videodisk. All such devices are denominated in this Chapter by the terms "panoram" or "panoram device." The terms panoram and panoram device as used in this Chapter do not include games which employ pictures, views or video displays, or state regulated gambling devices.
- C. "Panoram premises" means any premises or portion of any premises on which any panoram device is located and to which members of the public are admitted. The term panoram premises as used in this Chapter does not include movie or motion picture theatre auditoriums capable of seating more than five people.
- D. "Panoram station" means the portion of any panoram premises on which a panoram device is located and where a patron or customer would ordinarily be positioned while watching the panoram device.

E. "Person" means and includes but is not limited to natural persons of either sex, firms, corporations, partnerships or associations.
(Ord. 86-38 § 1 (part), 1986)

5.16.020 Applicability.

This Chapter shall constitute the exclusive means of licensing "panorams," "previews," "picture arcades," or "peep shows" and no other Pierce County licensing provisions shall apply to the subject matter licensed under this Chapter 5.16. (Ord. 86-38 § 1 (part), 1986)

5.16.030 Panoram Premises License Required.

- A. It is unlawful to display, exhibit, expose or maintain upon any premises to which members of the public are admitted any panoram device without a valid and current license for such premises, to be designated a "panoram premises license."
- B. A separate license is required for each panoram premises and the same shall at all times be conspicuously posted and maintained therein.
- C. The Auditor shall prescribe the form of such license, number the same, and shall indicate thereon the number of panoram devices which may be operated thereunder, and the location of the licensed panoram premises.

(Ord. 86-38 § 1 (part), 1986)

5.16.040 Panoram Owner's License Required.

It is unlawful to own and exhibit or display for public use, or to place with another, by lease or otherwise, for public use, exhibit or display, any panoram device without a valid and current license to be designated a "panoram owner's license." The Auditor shall prescribe the form of such license and shall number the same. (Ord. 86-38 § 1 (part), 1986)

5.16.050 Panoram Device License Required.

- A. It is unlawful to exhibit or display for public use any panoram device upon any panoram premises without first having obtained a license for each such panoram device, to be designated a "panoram device license."
- B. Panoram device licenses shall be issued for specific panoram premises only and shall not be transferable.
- C. The current panoram device license for each panoram device shall be securely attached to such panoram device in a conspicuous place.
- D. The Auditor shall prescribe the form of such license and number the same.

(Ord. 86-38 § 1 (part), 1986)

5.16.070 License Application – Report by County Departments.

- A. Any person seeking a panoram premises, panoram owner's or panoram device license shall file a written application with the Auditor on a form provided by the Auditor for that purpose.
 - 1. The applicant himself must prepare and sign the application. If the applicant is a partnership, a partner must sign and the names of the partners in full shall be given with their current residences. If the applicant is a corporation, an authorized officer thereof must sign and the names and current residences of all of the officers and directors or trustees of the corporation shall be given together with the location of the principal office or place of business of such corporation. All corporations must designate an agent to receive service for said corporation.

2. The Auditor, upon presentation of such application and before acting upon the same, shall refer such application to the Pierce County Sheriff, who shall make a full investigation as outlined in subsection C. of this Section, and to the Planning Department, the County Fire Marshal's Office, and the Tacoma-Pierce County Health Department, which shall investigate and provide information to the Auditor concerning compliance of the premises and devices sought to be licensed with this and other all applicable County and State health, zoning, building, fire and safety ordinances and laws.
- B. The following information shall accompany each application for a license:
1. Panoram premises license:
 - a. The name, address and telephone number of each person applying for the license;
 - b. The name, address and telephone number of each person holding an ownership, leasehold or interest in the panoram premises;
 - c. The name, address and telephone number of the manager or other person responsible for the operation of the premises;
 - d. The address of the premises;
 - e. The number of panoram devices to be located on the premises;
 - f. A sketch or drawing sufficient to show the layout of the premises, including all information necessary to determine whether the premises complies with the provisions of this Chapter.
 2. Panoram device license:
 - a. The name, address and telephone number of each person applying for the license;
 - b. The name, address and telephone number of each person holding an ownership, leasehold or other interest in the panoram device;
 - c. The name, address and telephone number of each person responsible for the operation of the panoram;
 - d. The address at which the panoram device is be located;
 - e. A description, including make, model and serial number of the device.
 3. Panoram owner's license:
 - a. The name, address and telephone number of each person applying for the license;
 - b. The name, address and telephone number of each person holding an ownership, leasehold or other interest in each panoram device;
 - c. A list of all panoram devices and premises at which panoram devices are located together with a description, including make, model and serial number of all panoram devices.
- C. The investigation by the Sheriff shall include a review of all criminal records of the applicant. Further, the investigation shall consist of fingerprinting and photographing the applicant, a full investigation of the truth of the statements in the application, and all other matters which might tend to aid in the determination of whether to grant the license. The Sheriff shall then inform the Auditor as to the results of his investigation and his recommendation as to the disposition of said application.

(Ord. 86-38 § 1 (part), 1986)

5.16.080 Inspection of Panoram Premises.

- A. Applicants for any license authorized to be issued under this Chapter shall allow the premises and devices sought to be licensed to be inspected by authorized inspectors from the Pierce County Sheriff's Department, the County Fire Marshall's Office, the Planning

Department, and the Tacoma-Pierce County Health Department, for the purpose of determining whether they comply with this Chapter.

5.16.090

- B. Licensees operating premises and devices licensed under this Chapter shall hold those areas upon the premises which are accessible to the public and the devices therein open for routine regulatory inspections by the County during normal business hours.

(Ord. 86-38 § 1 (part), 1986)

5.16.090 Issuance of Licenses.

- A. After the investigation by the Sheriff and other named County departments herein, the Auditor shall approve or deny all applications for licenses required hereunder. No license shall be issued pursuant to the provisions of this Title to the following persons:
1. Any applicant, his or her employee, agent, partner, director, officer, stockholder or manager who knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the Auditor;
 2. Any person who is not 18 years of age at the time of the application;
 3. Any person who has been convicted of a felony or misdemeanor, excluding minor traffic violations, if:
 - a. The felony or misdemeanor for which he was convicted directly relates to the license sought, and
 - b. The time elapsed since the felony is less than ten years, or
 - c. The time elapsed since the misdemeanor is less than three years.

This Section shall not preclude the fact of any prior conviction of a felony or misdemeanor from being considered;
 4. Any person who has had a license revoked within a period of one year prior to the date of making application for a license hereunder;
 5. Any person who is not qualified under any specific provision of this title for any particular license for which application is made;
 6. Any person who at the time of application is in default in the payment of any sum due Pierce County for any license;
 7. Any person whose license is under suspension or revocation at the time of application for a license;
 8. Any partner, corporate officer, director, or stockholder who does not meet the qualifications of this Section.

No license shall be issued unless the premises where the activity is to be conducted complies with the requirements of all governmental agencies, including, but not limited to, federal, state, city and county resolutions relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions specifically set forth in other Sections of this title.

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

- B. The decision of the Auditor regarding issuance of any license shall be rendered within 30 days of the date of filing of the application.

(Ord. 86-38 § 1 (part), 1986)

5.16.100 Suspension or Revocation of Licenses – Notice – Summary Suspension.

- A. After an investigation and upon the recommendation of either the Pierce County Sheriff, Director of Planning, Fire Marshal, or the Tacoma-Pierce County Health Officer, the Auditor shall, upon 30 days notice, temporarily or permanently suspend or revoke any license issued pursuant to this Chapter where one or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the Auditor; or
 2. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements or fails to meet the standards of this Chapter;
 3. Any person, or any of his servants, agents, or employees, who has been convicted of a felony or misdemeanor, excluding minor traffic violations, if:
 - a. The felony or misdemeanor of which he was convicted directly relates to the license held under this Chapter, and
 - b. The time elapsed since the felony is less than ten years, or
 - c. The time elapsed since the misdemeanor is less than three years.
- B. If the Auditor finds that any condition set forth in Section 5.16.100 A. of this Chapter exists, and that such condition constitutes a threat of immediate serious injury or damage to person or property, the Auditor shall immediately suspend any license issued under this Chapter pending a hearing on the Auditor's decision to suspend or revoke the license, in which event the licensee shall be entitled to a hearing in accordance with Section 5.16.110. The notice of immediate suspension of license given pursuant to this subsection shall set forth the basis for the Auditor's action and the facts supporting the Auditor's finding regarding the condition found to exist that constitutes a threat of immediate serious injury or damage to person or property.

(Ord. 86-38 § 1 (part), 1986)

5.16.110 Appeal and Hearing.

- A. Any person aggrieved by the action of the Auditor in refusing to issue or renew any license under this Chapter or in temporarily or permanently suspending or revoking any license issued under this Chapter shall have the right to appeal such action to the Pierce County Hearing Examiner, or to such other hearing body as may hereafter be established by the County Council for the hearing of such appeals, by filing a notice of appeal with the Auditor within ten working days after receiving notice of the action from which appeal is taken.
- B. The Hearing Examiner, upon receipt of a timely notice of appeal, shall set a date for a de novo hearing of such appeal. The Examiner shall hear testimony, take evidence, and may hear oral argument and receive written briefs. Except in cases of summary suspension of licenses because of the threat of immediate serious injury or damage to person or property pursuant to Section 5.16.100 B. of this Chapter, the filing of such appeal shall stay the action of the Auditor, pending the decision of the Examiner. In cases of summary suspension of licenses because of the threat of immediate serious injury or damage to persons or property pursuant to Section 5.16.100 B., the Examiner shall render a decision within ten days of the conclusion of the hearing.
- C. The decision of the Hearing Examiner on an appeal from a decision of the Auditor shall be based upon a preponderance of the evidence. The burden of proof shall be on the Auditor.
- D. The decision of the Hearing Examiner shall be final unless appealed to the Superior Court within 20 days of the date the decision is entered by the filing of an appropriate action and serving of all necessary parties.

(Ord. 86-38 § 1 (part), 1986)

5.16.120 Premises Regulations.

The Auditor shall not license any panoram premises which do not conform to the following requirements, and shall revoke or suspend the license of any panoram premises, and the license of any operator thereof, which do not maintain conformity with the following requirements:

- A. The interior of every panoram station shall be visible from a continuous main aisle and shall not be obscured by any curtain, door, wall, or other enclosure.
- B. The licensee shall not permit any doors to public areas on the premises to be locked during business hours in compliance with the applicable provisions of the Pierce County Building Code, Uniform Fire Code, and National Fire Protection Association Code.
- C. The licensee shall maintain illumination generally distributed in all parts of the premises available for use by the public, in compliance with the applicable provisions of the Pierce County Building Code, Uniform Fire Code, and National Fire Protection Association Code at all times when the premises are open or when any member of the public is permitted to enter and remain therein.
- D. The licensee shall not permit more than one person to occupy a panoram station at any time and public notices to this effect shall at all times be conspicuously posted and maintained on the panoram premises.

(Ord. 86-38 § 1 (part), 1986)

5.16.130 Violation a Misdemeanor.

Any person violating any of the provisions in this Chapter is guilty of a misdemeanor. (Ord. 86-38 § 1 (part), 1986)

5.16.140 Severability.

If any Section of this Chapter, or any portion of any Section of this Chapter, or its application to any person or circumstances, is declared by a court of competent jurisdiction to be invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 86-38 § 1 (part), 1986)

5.16.150 Compliance.

All persons regulated pursuant to this Chapter shall comply with this Chapter within 30 days of the effective date of the ordinance codified in this Chapter. (Ord. 86-38 § 1 (part), 1986)

Chapter 5.22

CARNIVALS AND CIRCUSES

Sections:

- 5.22.010 Definitions.**
- 5.22.020 Permit Regulations.**
- 5.22.030 Hours of Business.**
- 5.22.040 Sanitary Conditions and Lighting.**
- 5.22.050 Intoxicating Liquor Prohibited.**
- 5.22.060 Duty of Preserving Order.**
- 5.22.070 Employment of Police Officer.**
- 5.22.080 Smoking Prohibited.**
- 5.22.090 Fire Code.**
- 5.22.100 Location of Site.**
- 5.22.110 Inspections.**
- 5.22.120 Duty to Comply With All State and Federal Laws and Regulations – License Revocation.**
- 5.22.130 Liability Insurance.**
- 5.22.140 Nuisance.**

Cross-references: RCW 45.12.100, 46.16.100

5.22.010 Definitions.

- A. "Carnival" as used in this Section shall mean any entertainment which includes side shows, games, amusement devices, riding devices, and/or refreshments.
- B. "Circus" as used in this Section shall mean any entertainment which includes wild animals, acrobats, and/or clowns.

(Res. 18145 § 2 (part), 1975; prior Code § 50.06.010)

5.22.020 Permit Regulations.

No carnival and/or circus may operate in the unincorporated areas of Pierce County unless said carnival and/or circus shall first obtain a license. (Ord. 2003-119s2 § 2 (part), 2003; Ord. 83-17 §§ 1, 2, 1983; Ord. 81-73 § 1 (part), 1982; Res. 18145 § 2 (part), 1975; prior Code § 50.06.020)

5.22.030 Hours of Business.

All carnivals and/or circuses shall be discontinued and no part thereof shall be open to the public after the hour of 1 a.m., and shall remain closed until 10 a.m. of the same day unless a special permit is obtained to conduct said carnival and/or circus between the above mentioned hours. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.030)

5.22.040 Sanitary Conditions and Lighting.

Every carnival and circus and any building in which any carnival or circus is held shall at all times be kept in a clean, healthy and sanitary condition. All stairways, halls, passages, and rooms which are open to the public shall be kept open and well lighted during the time that said carnival or circus is in operation. Every carnival and circus shall maintain adequate sanitary facilities, including toilets, at all times during installation, operation, and removal of all carnival or circus structures and equipment, unless such facilities are otherwise provided on site. (Ord. 83-88 § 1 (part), 1983; Res. 18145 § 2 (part), 1975; prior Code § 50.06.040)

5.22.050 Intoxicating Liquor Prohibited.

No person conducting a carnival and/or circus nor any person having charge or control thereof at any time when a carnival and/or circus is being conducted shall permit any person to bring into said carnival and/or circus, or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon any intoxicating liquor. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.050)

5.22.060 Duty of Preserving Order.

It is the intention of the Council to put the burden of preserving order upon the operator of the carnival and/or circus, and if any carnival or circus in Pierce County is not deemed operated in accordance with the rules and regulations prescribed in this Chapter and set forth in the state law, the licensee shall be subject to revocation of his license, and the licensee or other individual responsible subject to such other punishment as the law and this Title provide. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.060)

5.22.070 Employment of Police Officer.

In the event it becomes necessary to secure the services of a deputy sheriff or other police officer to properly enforce these rules and regulations and to maintain order at a carnival and/or circus, all expense for such services shall be borne by the licensee and it is his duty to secure the service of such officer or officers as are necessary to preserve order and enforce the rules and regulations prescribed by this Title and the State law. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.070)

5.22.080 Smoking Prohibited.

No person shall be permitted to smoke or carry in his or her hand a lighted cigar, cigarette or pipe inside of any tent, building, or other structure during the hours when said carnival and/or circus is open to the public. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.080)

5.22.090 Fire Code.

All carnivals and circuses must comply with the provisions of the Pierce County Fire Code (Chapter 15.12) as enacted or thereafter amended. (Res. 18145 § 2 (part), 1975; prior Code § 50.06.090)

5.22.100 Location of Site.

No carnival and/or circus shall be operated in a location which is closer than 1,000 yards from any schoolhouse or church, or 100 yards from any house, residence or other human habitation, except in such instances where the licensing authority determines that a waiver of this Section is warranted, based upon a review of the facts and circumstances pertaining to said carnival and/or circus. (Ord. 81-136 § 1, 1982; Res. 18145 § 2 (part), 1975; prior Code § 50.06.100)

5.22.110 Inspections.

No license shall be issued until inspections and approval shall have been made by the following:

- A. The Fire Marshal, who shall inspect all carnival and circus premises and equipment for compliance with all applicable Uniform Fire Code requirements, and who shall also inspect for amusement ride safety certification, electrical inspection certification, and daily amusement ride inspection reports. He shall be paid \$25.00 as a reasonable inspection fee.
- B. The Tacoma-Pierce County Health Department, or its equivalent, which shall inspect all carnival and circus premises and all applicable equipment for compliance with all applicable health regulations.
- C. The Department of Risk Management, which shall review all carnivals and circuses to ensure that they have adequate liability insurance covering installation and operation of their equipment, including amusement rides.

If, after the above inspections, no license is issued, the County will return the license fee to the applicant.

(Ord. 83-88 § 1 (part), 1983; Res. 18145 § 2 (part), 1975; prior Code § 50.06.110)

5.22.120 Duty to Comply With All State and Federal Laws and Regulations – License Revocation.

All persons licensed pursuant to this Chapter must insure that all equipment and devices used in the carnival or circus comply with all State and Federal regulations. Further, all carnivals and circuses must insure that any and all devices used for the purposes of gambling are duly licensed pursuant to State and County laws and regulations.

Violation of this Section shall constitute grounds for revocation of license.

(Res. 18145 § 2 (part), 1975; prior Code § 50.06.120)

5.22.130 Liability Insurance.

No license shall be issued until inspections and approval shall have been made by the following:

- A. Any carnival or circus operating amusement rides shall, prior to operation, provide a Certificate of Insurance showing evidence of Comprehensive General Public Liability and Property Damage Liability Insurance with limits of not less than \$1,000,000.00 per occurrence. The Certificate shall name Pierce County as an additional insured and shall be submitted to the Risk Management Department for approval.
- B. Each carnival and circus operating amusement rides shall provide to the Fire Marshal certification that all rides have been inspected for safety by a recognized safety inspection program approved by the current liability insurance carrier. Safety inspections shall be made annually and each ride which passes the safety inspection shall be stamped for proper documentation.

(Ord. 83-88 § 1 (part), 1983; prior Code § 50.06.130)

5.22.140 Nuisance.

Any carnival or circus operating in unincorporated Pierce County without the license required by this Chapter shall be considered a nuisance and shall be subject to abatement by the County. Any violation of this Section shall be considered a misdemeanor. (Ord. 83-88 § 1 (part), 1983; prior Code § 50.06.140)

Chapter 5.24

COMMERCIAL KENNEL OR CATTERY, HOBBY KENNEL, FOSTER KENNEL, PRIVATE KENNEL, GROOMING PARLOR, SHORT-TERM BOARDING FACILITY, OR PET SHOP

Sections:

- 5.24.010 Purpose.**
- 5.24.015 Exemption.**
- 5.24.020 Definitions.**
- 5.24.030 License Requirement.**
- 5.24.040 Application.**
- 5.24.060 License.**
- 5.24.070 Director – Power and Duties.**
- 5.24.080 Advertising Limitations.**
- 5.24.090 License Expiration.**
- 5.24.100 License Renewal.**
- 5.24.110 License Suspension and Revocation.**
- 5.24.120 Appeal of License Suspension or Revocation.**
- 5.24.130 Inspection.**
- 5.24.140 Impoundment.**
- 5.24.150 Civil Remedy.**
- 5.24.160 Criminal Penalty.**
- 5.24.170 Compliance.**

5.24.010 Purpose.

This Chapter is necessary to the peace, health, safety, and welfare of the people in Pierce County and has as its purpose to provide for the humane care and treatment of animals; to provide for the control and regulation of facilities and kennels; to prevent nuisances; and to prevent endangerment of the health and safety of the public. (Ord. 89-142 § 2 (part), 1989)

5.24.015 Exemption.

The provisions of this Chapter shall not apply to any facility which is owned, operated, or maintained by any city, county, state, or the federal government for the purpose of maintaining or possessing dogs. (Ord. 95-151S § 1 (part), 1996)

5.24.020 Definitions.

- A. "Adult dog" and "Adult cat" means any dog or cat past the age of seven months.
- B. "Animal" means any live vertebrate creature, domestic or wild.
- C. "Animal Shelter" means any facility operated by Pierce County or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Chapter or of state law.
- D. "Boarding Kennel or Cattery" means any premises wherein a person engages in the business of boarding cats and dogs for private pet owners, for all or part of a day, including pet sitting establishments, and short-term boarding facilities for purposes other than veterinary medical procedures and observation. Any boarding kennel or cattery engaging in the business of breeding, letting for hire, selling, bartering or giving any dogs and/or cats must be licensed as a commercial kennel or cattery.

- E. "Commercial Kennel or Cattery" means any premises wherein a person(s) engages in the business of breeding and possibly boarding, letting for hire, selling, bartering, or giving away dogs and/or cats. All dogs and/or cats shall be included as part of the kennel for payment of fees.
- F. "Enforcement Agency" means Pierce County, or such organization as designated by ordinance of the Pierce County Council to include the Auditor.
- G. "Enforcement Officer" means any Pierce County employee designated to enforce the provisions of this title.
- H. "Foster Shelter/Kennel/Cattery" means any premises where at least six or more adult dogs and/or cats are kept and a person(s) provides temporary housing and care of owner released dogs/cats for the purpose of placing them into a permanent home.
 - 1. Any person keeping more than ten dogs and/or cats must provide kennel facilities.
 - 2. Kennel facilities are kennels, animal runs, enclosures, and/or any other building used for the keeping or housing of such dogs/cats. Kennel facilities shall not be closer than 70 feet to any boundary property line of the premises, nor closer than 45 feet to any building containing a dwelling unit or accessory living quarters on the same premises.
 - 3. Animals kept more than 60 days will be considered owned by the person housing the animal and must be licensed under PCC 6.04.020.
 - 4. Persons providing temporary housing must comply with PCC 5.24.030 F.
- I. "Grooming Parlor" means any place or establishment, public or private, where animals are bathed, clipped, or combed for a consideration.
- J. "Hobby Kennel or Cattery" means any premise where at least 6 but less than 20 adult dogs and/or cats are kept for hunting, breeding, for exhibition, organized events, field working, or obedience trials. Any person(s) keeping more than ten dogs and/or cats must provide kennel facilities. Any person(s) or premise which exceeds the numbers or engages in practices beyond the definition herein for a hobby kennel or cattery, as determined by the enforcement agency, shall be subject to penalties and/or be required to purchase the appropriate license. Note: The occasional selling of offspring shall not be construed as a commercial venture.

All dogs and cats over the age of seven months shall be included as part of the kennel for payment of fees.
- K. "Humane Officer" is any person designated by the Pierce County Auditor, or designee, or Pierce County as an animal care and control officer, qualified to perform such duties under the laws of this State.
- L. "Impounding Authority" means Pierce County or any organization appointed by the Pierce County Council to impound animals and handle and care for impounded animals.
- M. "Jurisdictional Licensing Agent" means:
 - 1. The Pierce County Auditor, or
 - 2. Any agency or organization appointed or empowered by the Pierce County Council to register and license dogs and/or cats.
- N. "Person" means any individual, firm, partnership, corporation, or unincorporated association.
- O. "Pet Shop" means any person or establishment that acquires animals (dogs, cats, birds, fish, rodents, reptilians, primates, insects, and any/or all others) bred by others, whether as owner, agent, or on consignment, sells or boards any species of animals and offers to sell such animals to the public.

- P. "Premise" includes a private house or dwelling.
- Q. "Private Kennel/Cattery" means any premise where at least 6 but less than 20 altered adult dogs and/or cats are kept as pets and not used for any other purpose than companionship for their owners. All pets are to be altered.
- R. "Temporary" as used in this Chapter means less than 60 days.
- S. "Short-Term Boarding Facility" means any place of business or establishment that watches or houses animals for a fee for the owner.

(Ord. 2005-109 § 1 (part), 2005; Ord. 2002-19s3 § 1 (part), 2002; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.030 License Requirement.

- A. **License Requirements – Generally.** It shall be unlawful for any person to own, maintain, or have six or more dogs and/or cats, or operate a commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop, within the unincorporated areas of Pierce County without an applicable license as provided for by this Chapter.
 - Any person(s) who engages in more than one of the services or maintains more than one of the types of facilities cited in this section shall pay all appropriate license fees as provided in PCC 5.24.050.
 - Licensed veterinarians who, in addition to veterinary medical services on the premises, provide the ancillary services of boarding, grooming, and foster care for their patients, are exempt from the licensing requirements of this Chapter.
 - A noncommercial kennel with five or fewer dogs or cats must be licensed under PCC 6.04.020 and not under this Chapter.
- B. **Transfer of License.** If there is any change in ownership of any commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop, the new owner may have the current permit transferred to his or her name upon the payment of \$75.00 transfer fee and upon the approval of the Pierce County Auditor, or the Auditor's designated agent. The transfer will be deemed approved if not rejected within 30 days from the date of the application.
- C. **Grounds for Denial.** A permit or license may be denied for the following causes:
 - 1. Conviction by the applicant of cruelty to animals.
 - 2. Withholding or falsifying any information on the application.
- D. **Renewal.** Upon compliance with Section 5.24.040 and the tender of any fees required by Section 5.24.050, the Pierce County Auditor shall issue a renewal license, and the applicant for such license shall post such license in a conspicuous place upon the premise. A penalty fee of 100 percent of the license fee shall be assessed if the license application is not submitted by March 31. Payment of this penalty shall not preclude the imposition of penalties prescribed in Sections 5.24.160 and 5.24.170.
- E. **License – Required Information.** Every license shall state on its face the name of the owner and operator of the animal facility, the address, the maximum number of animals which can be kept in the facility at any one time, and the expiration date of the license. The number of animals which can be kept in the facility at any one time shall be determined by Pierce County who inspected the premises, and may be modified by the County from time to time if the facility conditions change. The location of any kennel shall not be changed without prior permission of the Auditor and such permission will be granted only after appropriate inspections have been conducted.

- F. **Records – Duty to Maintain.** Every licensed person shall maintain records for three years (current year and past two years) on dogs and/or cats. Said records shall contain a list of the names and addresses of persons from whom animals are received and to whom animals are sold, traded, given away, or groomed. All animal transactions shall be listed on the records and these records shall be made available for inspection by the Auditor and/or agent of Pierce County at all reasonable times for a specific reason.

(Ord. 2005-109 § 1 (part), 2005; Ord. 2003-95 § 1, 2003; Ord. 2002-19s3 § 1 (part), 2002; Ord. 95-151S § 1 (part), 1996; Ord. 92-26 § 1, 1992; Ord. 89-142 § 2 (part), 1989)

5.24.040 Application.

- A. **Application – Generally.** Application for a permit to establish a new license under the provisions of this Chapter may be made at any time.
- B. **Application – Required Information.** Any person applying for a license as required by this Chapter shall submit to the Pierce County Auditor, or the Auditor's designated agent, the following information:
1. The name and address of the person(s) owning the facility;
 2. The name and address of the person(s) having the supervision of the facility;
 3. The address or location of the facility;
 4. The maximum number of dogs and/or cats or combination thereof which such facility will contain;
 5. The name and address of the person designated by the applicant as agent for the service of legal process or notice;
 6. A written statement issued by the Pierce County Planning Department that such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop is in compliance with applicable zoning codes of Pierce County;
 7. A statement by the applicant giving permission for inspection of the facilities at any reasonable time;
 8. A statement or permit from the Tacoma-Pierce County Health Department to insure that adequate provisions for sanitary facilities can be provided;
 9. If the applicant is a pet store, a list of all species of animals; i.e., dogs, cats, birds, reptiles, primates, insects, fish, rodents, and any/or all others, that are to be sold;
 10. The name and address of the licensed veterinarian who cares for the applicant's sick or injured animals.
 11. Proof that the application indicates the appropriate type of kennel category (commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop). Proof may be in the form of a business license, a bona fide membership in a purebred animal club, or other such evidence acceptable to the Pierce County Auditor.

(Ord. 2005-109 § 1 (part), 2005; Ord. 2002-19s3 § 1 (part), 2002; Ord. 97-111 § 1 (part), 1997; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.060 License.

Upon compliance with Section 5.24.040 and the tender of any fees as required by Section 5.24.020, the Pierce County Auditor shall issue a license for such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop.

- A. **Duty to Comply.** The licensee shall comply with all standards, rules and regulations set forth in this Chapter throughout the licensing period.
- B. **Duty to Post.** The licensee shall post such license in a conspicuous place upon the premises where such commercial kennel or cattery, boarding kennel/cattery, foster shelter/kennel/cattery, hobby kennel/cattery, grooming parlor, private kennel/cattery or pet shop is maintained.
- C. **Duty to Offer "New or Juvenile" Dog/Cat Licenses.** Beginning September 1, 2002, the licensee shall have the free, 90 day, "New or Juvenile" dog/cat licenses to offer clients.
- D. **Distribution.** The Pierce County Auditor will distribute each license to the following agencies:
 - 1. Office of Fire Prevention and Arson Control.
 - 2. Pierce County Building Inspection Department.
 - 3. Pierce County Planning and Land Services Department.
 - 4. Tacoma-Pierce County Health Department.

(Ord. 2005-109 § 1 (part), 2005; Ord. 2003-119s2 § 2 (part), 2003; Ord. 2002-19s3 § 1 (part), 2002; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.070 Director – Power and Duties.

- A. Pierce County shall promulgate such standards, rules, and regulations as are necessary for the operation of this Chapter. The standards for inspections are attached hereto and made a part by reference herein. These standards, rules, and regulations shall be developed in conjunction with one representative from each group covered under this Chapter and a representative from Departments listed in Section 5.24.060 D. These standards, rules, and regulations shall be updated at least annually and shall include but are not limited to the following:
 - 1. Sanitation and safety regulations;
 - 2. Minimum standards for food and water;
 - 3. Standards for facility construction and maintenance;
 - 4. Classification and separation of animals;
 - 5. Requirements for veterinarian care;
 - 6. Pet license tag requirements.

- B. A copy of the standards, rules, and regulations promulgated by the County shall be furnished to each applicant for a license or license renewal.
- C. Initial application for any of the licenses covered under this Chapter shall be provisional and will be issued after the applicant complies with these regulations and any rules and regulations that may subsequently be formulated. The applicant must be in total compliance with the rules and regulations at the end of six months or within a correction time schedule for compliance with this Chapter.

(Ord. 2005-109 § 1 (part), 2005; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.080 Advertising Limitations.

No hobby kennel or private kennel/cattery shall have signs, displays, or other visual representation advertising animals for sale or breeding. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.090 License Expiration.

Each license issued under the authority and provisions of this Chapter shall expire on December 31 of the year of issuance. (Ord. 89-142 § 2 (part), 1989)

5.24.100 License Renewal.

All license renewals shall be processed in the same manner as the original application except that a written statement from the Pierce County Planning and Land Services Department and the Tacoma-Pierce County Health Department, as required in Sections 5.24.040 B.6. and 8., will not be required. License renewals shall require the applicant to prove that the facility is still used for the same category of kennel activity (commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop).

Proof may be in the form of a business license, a bona fide membership in a purebred animal club, or other such evidence acceptable to the Pierce County Auditor. (Ord. 2005-109 § 1 (part), 2005; Ord. 97-111 § 1 (part), 1997; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.110 License Suspension and Revocation.

Any license issued for commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery or pet shop under the provisions of this Chapter shall be subject to suspension or revocation if Pierce County determines that such commercial kennel or cattery, foster shelter/kennel/cattery, hobby kennel, grooming parlor, private kennel/cattery, short-term boarding facility, or pet shop is being operated in violation of this Chapter, but only after a fair and impartial hearing before the Hearing Examiner. (Ord. 2005-109 § 1 (part), 2005; Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.120 Appeal of License Suspension or Revocation.

Within 30 days after the hearing, as provided in Section 5.24.110, the Hearing Examiner shall notify the applicant or the holder of the license, in writing, of the determination and the reasons therefor. The sole method of judicial review from a decision of the Pierce County Hearing Examiner shall be before the Superior Court for Pierce County. Notice of appeal shall be filed with the Clerk of the Court within ten days of the action or decision by which a person is aggrieved.

Any person whose license or permit is revoked shall, within 30 days thereafter, humanely dispose of all animals owned, kept, or harbored by such person, or be sold, or given away, and no part of the permit or license fee shall be refunded. (Ord. 95-151S § 1 (part), 1996; Ord. 89-142 § 2 (part), 1989)

5.24.130 Inspection.

It shall be a condition of the issuance of any permit or license that the County be permitted to inspect all animals, and the premises where animals are kept, at reasonable intervals to protect the health and safety of the animals and of the community. If permission for such inspection is refused, the permit or license of the refusing owner may be revoked.

An enforcement officer shall have the authority to enter the premises if a permit or license holder is keeping animals in his/her own residence. (Ord. 2005-109 § 1 (part), 2005; Ord. 89-142 § 2 (part), 1989)

5.24.140 Impoundment.

An enforcement officer may impound any animal that is disabled or diseased because of neglect, abuse, or improper care, or whose condition constitutes a threat or danger to the public health or safety. (Ord. 89-142 § 2 (part), 1989)

5.24.150 Civil Remedy.

Whenever a violation of the provisions of this Chapter constitutes a public nuisance, the Prosecuting Attorney may bring action on behalf of the County or the enforcement agency, for abatement, damages, and/or mandatory or prohibitory relief as provided for by law. (RCW 7.48.010;200). (Ord. 89-142 § 2 (part), 1989)

5.24.160 Criminal Penalty.

Any person convicted of a violation of this Chapter shall be deemed guilty of a misdemeanor, and in addition to any other remedies or penalties specifically provided for herein, may be punished by a fine of not more than \$250.00, or by imprisonment not to exceed 90 days in the County Jail, or both such fine and imprisonment. (Ord. 89-142 § 2 (part), 1989)

5.24.170 Compliance.

Compliance with the provisions of this Chapter shall not be deemed compliance with, or eliminate the necessity for compliance with other applicable provisions of the laws of the State of Washington or of Pierce County. (Ord. 89-142 § 2 (part), 1989)

Chapter 5.26

TAXICABS AND DRIVERS

Sections:

- 5.26.010 Definitions.**
- 5.26.020 License Required to Operate Taxicabs.**
- 5.26.030 Fares.**
- 5.26.040 Taximeter.**
- 5.26.050 Maintenance of Taxicabs and Equipment.**
- 5.26.060 Maintenance of Log.**
- 5.26.070 Driver's License.**
- 5.26.080 Permit to Drive Taxicabs.**
- 5.26.090 Record of Permit to Drive Taxicabs.**
- 5.26.110 Revocation of Permit to Operate Taxicabs.**
- 5.26.120 Identification of Taxicab and Driver.**
- 5.26.130 Insurance.**
- 5.26.140 Receipts.**
- 5.26.150 Additional Passengers.**

Cross-reference: Chapter 46.72 RCW

5.26.010 Definitions.

The term "taxicab" as used in this Chapter shall mean and include every motor vehicle having a seating capacity of seven passengers or less as per manufacturer's rating except cars for rent without drivers used for the transportation of passengers for hire and not operated over a fixed and definite route. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.010)

5.26.020 License Required to Operate Taxicabs.

It shall be unlawful for any person to operate or permit to be operated on the public highways of Pierce County outside the limits of incorporated cities and towns any taxicabs owned or controlled by such person without first securing a license to engage in the business of operating taxicabs; provided, however, that a taxicab licensed by an incorporated city or town may operate on the public highways of Pierce County outside the limits of said incorporated city or town for the purpose of transporting passengers pursuant to an established contract service agreement. Nothing herein contained, however, shall be construed to permit a taxicab licensed for operation within the limits of an incorporated city or town to operate on public highways of Pierce County for any other purpose without first securing a permit to operate as herein provided.

A permit to engage in the business of operating taxicabs may be granted to any person after the Auditor determines that the applicant is capable of furnishing safe and dependable service to the traveling public; that the applicant is covered by public liability and property damage insurance as hereinafter set forth; that the area which the applicant proposes to service is in need of such service; and that the public convenience will be served by the issuance of said permit to operate.

It shall be unlawful for the holder of a license to operate a taxicab upon which the permit fee has not been paid.
(Ord. 2003-119s2 § 2 (part), 2003; Ord. 81-73 § 1 (part), 1982; Res. 18145 § 2 (part), 1975; prior Code § 50.07.020)

5.26.030 Fares.

The following maximum tariffs are hereby authorized and established:

- A. \$3.75 for the first 1/9 mile or fraction thereof for the use of the taxicab (drop rate);
- B. \$.25 cents for each succeeding 1/9 mile or fraction thereof;
- C. For each additional person, \$1.00 per trip;
- D. \$.50 cents for each one minute of waiting or fraction thereof.

(Ord. 2008-36s § 1, 2008; Ord. 2005-61 § 1, 2005; Ord. 2005-29 § 1, 2005; Ord. 2001-75 § 1, 2001; Ord. 90-11 § 1, 1990; Res. 22030 § 1, 1980; Res. 21844 § 1, 1979; Res. 18661 § 1, 1976; prior Code § 50.07.030)

5.26.040 Taximeter.

Every taxicab shall have affixed thereto a taximeter of standard size and design. No person shall use or permit to be used upon any taxicab, a taximeter which shall be in such condition as to be more than 5 percent incorrect. For the purpose of checking the accuracy of said taximeter, the taxicab with taximeter attached shall be inspected by the Sheriff during the month of January of each year and at such other times as the Auditor or Sheriff may direct. A report of such inspection shall be forwarded to the business office of the taxicab company.

No license shall be issued for a taxicab and no taxicab shall be placed into service until the taximeter attached thereto shall have been inspected by the Sheriff and found to be accurate. When a taximeter is taken from one car and be placed into another, the receiving car and taximeter must be inspected prior to the car's being placed into service. A report of such inspection shall be forwarded to the business office of the taxicab company. After sundown the face of the taximeter shall be illuminated by a suitable light so arranged as to throw a continuous, steady light thereon readily discernible by passengers.

No driver of taxicab while carrying passengers or under employment shall display the signal affixed to the taximeter in such a position as to denote such vehicle as not employed or in such position as to denote that it is employed at a rate of fare different from that to which the driver is entitled under the provisions of this Chapter.

It shall be the duty of the driver to call the attention of the passenger to the amount registered on the taximeter and the taxicab flag shall be placed in a nonrecording position until the fare is paid.

No taximeter shall be used unless the same carries thereon an unbroken seal affixed thereto by the Sheriff.

Each taximeter shall be so located in the taxicab that the meter and the fare shown thereon are clearly visible from the rear compartment of the taxicab.

It shall be unlawful for any person owning, operating or driving a taxicab to operate or drive such taxicab unless such taximeter is used in determining the fare to be charged, and no other or different fare shall be charged to the passenger than is recorded on the reading face of said taximeter for the trip. No other rates or methods of measuring the distance or time charges shall be allowed except as herein provided.

(Res. 18145 § 2 (part), 1975; prior Code § 50.07.040)

5.26.050 Maintenance of Taxicabs and Equipment.

Every taxicab and the equipment thereon shall be maintained in a safe condition for use as such and in such manner as to comply with the requirements of the State of Washington Motor Vehicle Act. Evidence that such taxicabs and equipment are in a satisfactory condition shall be given to the Auditor on request or on any meter inspection date. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.050)

5.26.060 Maintenance of Log.

Every taxicab driver shall maintain or cause to be maintained on his behalf a log setting forth therein the point of origin and destination of each trip made, the time of starting and completing said trip, together with the number and sex of each of the passengers carried on said trip, said log to be open for inspection. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.060)

5.26.070 Driver's License.

It shall be unlawful for any person to drive for hire any taxicab whose operation is subject to the provisions of this Chapter, as set forth in Section 5.26.020 herein, unless such person shall hold a valid driver's license as required by the laws of the State of Washington, and shall hold a valid taxi driver's license issued by the Auditor. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.070)

5.26.080 Permit to Drive Taxicabs.

No license to drive a taxicab for hire on any public highway in Pierce County outside the limits of incorporated cities and towns shall be issued until:

- A. The Sheriff has conducted an investigation of the applicant and made his recommendation as to approval or disapproval, and
- B. The applicant has satisfied the Auditor that he is possessed of sufficient skill as a driver to be entrusted with operation of a taxicab.

Provided, however, the Auditor may issue a temporary permit to operate a taxicab for no more than 30 days upon the Sheriff's recommendation that a temporary license be granted and the satisfaction of subsection B. above.

(Res. 18145 § 2 (part), 1975; prior Code § 50.07.080)

5.26.090 Record of Permit to Drive Taxicabs.

The Auditor shall keep a record of the residence and business addresses of all persons to whom permits to drive taxicabs are issued and it shall be the duty of the holder of such a permit to inform the Auditor of any change of residence or business address, such information to be given within five days after said change has occurred. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.090)

5.26.110 Revocation of Permit to Operate Taxicabs.

Driver's permits issued under the provisions of this Chapter shall be consecutively numbered and a record of said numbers shall be maintained at all times by the Auditor. In addition to the grounds listed in Pierce County Code Chapter 5.02, a permit to drive may be revoked with proper notice for the following reasons:

- A. Unskilled or negligent operation of taxicab, endangering the safety of the passengers thereof, or the users of the public highways.
- B. Discourteous, abusive, or dishonest conduct toward passengers.
- C. Driving a taxicab not inspected as required by this Chapter.

If any criminal complaint or citation is filed against a taxicab driver charging him with a felony or misdemeanor as described in Pierce County Code Chapter 5.02, said taxicab driver shall immediately cease driving taxicabs until such time as the pending criminal action is resolved. For the purposes of this Section, the following driving violations are not considered minor traffic violations: reckless driving, negligent driving, driving while under the influence of intoxicants and/or drugs, failure to remain at the scene of an accident (personal injury and/or property damage).

(Res. 18124 § 2 (part), 1975; prior Code § 50.07.110)

5.26.120 Identification of Taxicab and Driver.

Every taxicab operated under the provisions of this Chapter shall be plainly marked on the exterior thereof in letters not less than four inches high with the name under which the operator thereof is doing business. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.120)

5.26.130 Insurance.

The holder of a permit to operate taxicabs issued pursuant to this Chapter shall at all times maintain in full force and effect a policy of property damage insurance and public liability insurance which complies with the state requirements for commercial vehicles on each taxicab operated by the holder of said permit, and a copy of such policy covering the taxicab or taxicabs shall be filed with the Auditor with written endorsements thereon showing that the Auditor must be given written notice in the event of cancellation of said policy either by the company or the insured. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.130)

5.26.140 Receipts.

It shall be the right of every passenger to receive, upon demand, an accurate receipt for the charges demanded of him. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.140)

5.26.150 Additional Passengers.

No additional passenger shall be accepted by the driver of a taxicab unless the first passenger shall consent thereto. In no event shall a taxicab, with or without the consent of the passengers, be loaded beyond its capacity. (Res. 18145 § 2 (part), 1975; prior Code § 50.07.150)

Chapter 5.28

WRECKING YARDS

Sections:

- 5.28.010 Definitions.**
- 5.28.020 Licenses Required.**
- 5.28.030 Zoning Ordinance.**
- 5.28.050 Term of License.**
- 5.28.060 Requirements for Conducting Business.**
- 5.28.070 Fire Department and Health Department Regulations.**
- 5.28.080 Investigation by Sheriff.**

Cross-reference: Chapter 46.80 RCW

5.28.010 Definitions.

- A. The term "motor vehicle wrecker" whenever used in this Chapter means every person engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of the State of Washington, for the purpose of wrecking, dismantling, disassembling or essentially changing the form of any motor vehicle.
- B. The term "established place of business" means a building or enclosure which any motor vehicle wrecker occupies either continuously or at regular periods for the purpose of wrecking vehicles and where his books and records are kept and business is transacted; or any area where vehicles not in operable condition or used parts of motor vehicles are stored.
- C. The term "enclosure" whenever used in this Chapter means any fence, wall, living hedge or gate entirely surrounding a premises occupied as an established place of business by a motor vehicle wrecker.

(Res. 18159 § 2 (part), 1975; prior Code § 50.08.010)

5.28.020 Licenses Required.

Any motor vehicle wrecker who engages in the business of wrecking motor vehicles or trailers in the unincorporated area of Pierce County must have a valid Pierce County and Washington State License. One is not valid without the other.

A separate motor vehicle wrecker's license shall be necessary for each and every place of business of a motor vehicle wrecker within Pierce County.

(Res. 18159 § 2 (part), 1975; prior Code § 50.08.020)

5.28.030 Zoning Ordinance.

In addition to the provisions of Pierce County Code Chapter 5.02, all applicants must submit written order of approval of the proposed wrecking yard from the Pierce County Board of Adjustment with their application.

No motor vehicle wrecker's license shall be issued under the provisions of this Chapter when a petition to zone or rezone an area pursuant to the Pierce County Zoning Code has been filed, and where the contemplated use of the property as a motor vehicle wrecking yard would be nonconforming to the proposed zoning uses. (Res. 18159 § 2 (part), 1975; prior Code § 50.08.030)

5.28.050 Term of License.

The right to construct and operate a wrecking yard in accordance with a motor vehicle wrecker's license vests on the date that the person applies for his motor vehicle wrecker's license if the license is issued and is consistent with the zoning ordinance, building regulations and provisions of this Code in force at the time of the application for said permit. (Res. 18159 § 2 (part), 1975; prior Code § 50.08.050)

5.28.060 Requirements for Conducting Business.

In addition to the requirements of Pierce County Code Chapter 5.02, every person issued a license under the provisions of this Chapter shall conduct such business in accordance with the following requirements:

- A. All wrecking, dismantling, disassembling or work substantially changing the form of any motor vehicle or trailer including the burning thereof and all storage of vehicles or parts of vehicles wrecked or to be wrecked shall be conducted behind an enclosure at least eight feet in height which obscures the nature of the business carried on therein where and to the extent reasonably permitted by the topography of the land.
- B. All fences and walls shall be constructed from standard building materials and painted or stained in a neutral shade to blend with the surrounding premises. Such fences and walls shall be maintained in good repair and in a neat, substantial and safe condition, and dead and dying portions of hedges shall be promptly replaced.
- C. Openings in such enclosures for access shall not be more than 20 feet wide and shall be equipped with a view-obscuring gate of the same height as the enclosure. Such enclosure shall have not more than one opening for access to each public way upon which such premise abuts; PROVIDED, additional access openings to such public way may be provided at intervals of not more than 300 feet.
- D. All gasoline or other highly flammable liquids must be stored in compliance with the Pierce County Fire Marshal's regulations, which he is hereby authorized to formulate in accordance with the protection of the safety and welfare of the community.
- E. All vehicles, chassis, parts and accessories acquired, stored, or displayed by any motor vehicle wrecker shall be confined within such enclosure at such motor vehicle wrecker's place of business. No such vehicles, chassis, parts or accessories acquired, stored, or displayed by any motor vehicle wrecker shall be placed or positioned in such a manner that the height or combined height of such vehicles, chassis, parts and accessories shall exceed the height of the enclosure at such vehicle wrecker's place of business. Violation of this provision shall constitute grounds for revocation of license.

F. All motor vehicle wreckers shall comply with all applicable off-street parking requirements of Pierce County resolutions.
(Res. 18159 § 2 (part), 1975; prior Code § 50.08.060)

5.28.070 Fire Department and Health Department Regulations.

The Tacoma-Pierce County Health Department and Pierce County Fire Department may promulgate and adopt reasonable rules and regulations governing the dumping of oil, burning of parts and refuse, and maintenance of wrecking yards in a safe and sanitary condition by motor vehicle wreckers. Such rules and regulations shall relate solely to fire protection, health and safety. (Res. 18159 § 2 (part), 1975; prior Code § 50.08.070)

5.28.080 Investigation by Sheriff.

No license shall be issued pursuant to this Chapter until the Sheriff has investigated and made his recommendation as to approval or disapproval of the applicant. (Res. 18159 § 2 (part), 1975; prior Code § 50.08.080)

Chapter 5.32

PUBLIC DANCES, CABARETS, DANCE HALLS AND TEENAGER DANCES

Sections:

- 5.32.010 Definitions.**
- 5.32.020 License Required.**
- 5.32.040 Hours of Closing.**
- 5.32.050 Age Limits.**
- 5.32.060 Employees and Attendants.**
- 5.32.070 Intoxicated Persons Prohibited.**
- 5.32.080 Lighting.**
- 5.32.090 Parking Lots.**
- 5.32.100 Duty of Preserving Order.**
- 5.32.110 Employment of Police Officer.**
- 5.32.120 Smoking Prohibited.**
- 5.32.130 Duty of Public Dance Halls.**
- 5.32.140 Teenager Dances – Prohibited Activity.**
- 5.32.150 Adjustment and/or Waiver of Fee.**

Cross-reference: Chapter 67.12 RCW

5.32.010 Definitions.

- A. "Cabaret" as used in this Chapter shall mean any restaurant, barroom, tavern, cocktail lounge or other facility where food and/or beverages are available for purchase and where dancing occurs regardless of whether such dancing is to live entertainment or prerecorded transmissions.
- B. "Dance Halls" as used in this Chapter shall mean any facility where public dances are held.
- C. "Public Dances" as used in this Chapter shall mean any dance or ball where the general public may gain admission with or without the payment of a fee. As used in this Section, public dances shall include but not be limited to those dances sponsored by private clubs where members of the private clubs are permitted to bring guests.
- D. "Teenager Dance" as used in this Chapter shall mean any dance or ball where attendance is limited to teenagers regardless of whether or not an admission fee is charged.
- E. "Teenager" as used in this Chapter shall mean any person over the age of 12 and under the age of 18.

(Ord. 83-45 § 1 (part), 1983; Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.010)

5.32.020 License Required.

No person, group or society shall conduct any activity defined in Pierce County Code Section 5.32.010 without first obtaining a valid license. School sponsored dances shall be exempt from the licensing requirements of this Chapter. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.020)

5.32.040 Hours of Closing.

- A. Teenager dances shall be discontinued by the hour of 12 midnight unless a special permit is obtained from the Auditor to conduct teenager dances after the hour of 12 midnight.
 - B. All public dances shall be discontinued and all public dance halls shall be closed by the hour of 2 a.m., and shall remain closed until 6 a.m. on the same day, unless a special permit is obtained from the Auditor to conduct a dance beyond the hour of 2 a.m.
 - C. All cabarets shall be closed between the hours of 2 a.m. and 6 a.m.
- (Ord. 83-45 § 1 (part), 1983; Res. 18259 § 1, 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.040)

5.32.050 Age Limits.

- A. No person under the age of 18 years shall be permitted to attend any public dance without the escort of his or her parent, guardian, or other responsible adult.
 - B. No person over the age of 18 years shall be permitted to attend any teenager dance unless said person is the sole escort or guest of a person properly admitted to a teenager dance. It shall be unlawful and constitute a violation of this Chapter for any person who is not eligible for admittance to a teenager dance, to remain around or about the premises where such dance is being held.
- (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.050)

5.32.060 Employees and Attendants.

No person under the age of 18 years shall be employed at any public dance or in any dance hall. No prostitute or person of immoral character or person afflicted with any venereal, contagious or infectious disease shall be employed in or knowingly be permitted to take part in any public dance or be employed in any dance hall. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.060)

5.32.070 Intoxicated Persons Prohibited.

No persons maintaining, conducting or carrying on any public dance or having charge or control thereof; nor any person employed in and about such a place where said public dance is being held; nor any person employed in and about a public dance hall shall allow or permit any person who is intoxicated or incapacitated by the use of intoxicating liquor and/or drugs, as defined by RCW 70.96A, to enter, be, or remain in, or to dance at any function licensed pursuant to this Chapter. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.070)

5.32.080 Lighting.

All buildings, halls, rooms, pavilions or other places in which public dances are carried on, as well as the halls, corridors, and rooms leading thereto or connected therewith, shall at all times, while open to the public, be well lighted. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.080)

5.32.090 Parking Lots.

All parking lots used in conjunction with any cabaret, public dance or dance hall shall at all times while open to the public be well lighted and such parking lots shall at all times be kept in a clean, sanitary condition. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.090)

5.32.100 Duty of Preserving Order.

The burden of preserving order in any cabaret, dance hall or at any public dance is upon the licensee, and if any cabaret, dance hall or public dance, or any parking lot used in conjunction with any cabaret, dance hall or public dance is not being operated in accordance with the rules and regulations prescribed in the code, the license shall be subject to revocation and the licensee or other individual responsible subject to such other punishment as the law and this Code provide. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.100)

5.32.110 Employment of Police Officer.

In the event it becomes necessary to secure the services of a deputy sheriff or other police officer to properly enforce these rules and regulations and to maintain order in a cabaret, dance hall or public dance, all expense for such service shall be borne by the licensee, and it is his duty to secure the services of such officer or officers as are necessary to preserve order and enforce the rules and regulations prescribed in this Chapter and the State law. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.110)

5.32.120 Smoking Prohibited.

No person shall be permitted to smoke, or carry in his or her hand a lighted cigar, cigarette or pipe while on the dance floor. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.120)

5.32.130 Duty of Public Dance Halls.

Each holder of a license to operate a public dance hall shall insure that all individuals holding public dances and/or teenager dances in said facility are duly licensed. A breach of this Section shall constitute grounds for revocation of the public dance hall license. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.130)

5.32.140 Teenager Dances – Prohibited Activity.

No teenager shall be allowed to leave a dance and return to said dance during the hours of the dance unless said teenager is accompanied by a duly authorized chaperon or law enforcement agent. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.140)

5.32.150 Adjustment and/or Waiver Fee.

The Auditor may in his discretion waive or adjust the fees required in this Chapter where the fee appears to be an undue burden upon a charitable or nonprofit organization. (Res. 18259 § 2 (part), 1975; Res. 18159 § 2 (part), 1975; prior Code § 50.11.150)

Chapter 5.36

AMUSEMENT GAMES, MACHINES AND DEVICES

Sections:

- 5.36.010 Definitions.**
- 5.36.020 License Required.**
- 5.36.030 Master Operator's License Required.**
- 5.36.040 Master Distributor's License.**
- 5.36.050 Location License.**
- 5.36.060 Duty of Licensee.**
- 5.36.070 Relocation of Machines.**
- 5.36.080 Serial Numbers Required.**
- 5.36.090 Presumption of Responsibility.**
- 5.36.100 Penalties.**
- 5.36.120 Refunds.**

5.36.010 Definitions.

For the purpose of this Chapter, the words and phrases used herein, unless the context clearly indicates otherwise, shall have the following meanings:

- A. "Amusement machine" shall mean any machine or device designated to be operated or used for playing a game upon the insertion or payment of a coin, trade check, or other thing of value as hereinafter provided, and which is played or operated only for amusement and entertainment of the player.
- B. "Music machine" shall mean any machine, instrument or device from which a person can obtain music for a given period or of a particular selection by insertion of a coin in a slot, or upon payment of a consideration to the person owning or operating the same.
- C. "Game tables" as used in this Chapter, shall include but not be limited to: pool tables, billiard tables, shuffleboard, air hockey, and other similar games where a fee is charged for the playing of or operation of the table.
- D. "Public" whenever used in this Chapter in the phrase "for the use or play by the public" shall be construed to mean any customer, patron, member or guest of the public place or establishment.
- E. "Person" whenever used in this Chapter shall be construed to mean and include any person, firm, partnership, joint venture, association, corporation, or any combination thereof.
- F. "Distributor" whenever used in this Chapter shall mean any person who engages in the business of selling at wholesale or retail, or distributing to others for sale any coin operated device as above defined.
- G. "Operator" whenever used in this Chapter shall mean any person who owns one or more devices as above defined and exhibits, leases, rents, or places said machines in a public place or establishment owned by another person or himself.

(Ord. 81-73 § 1 (part), 1982; Res. 18249 § 2 (part), 1975; prior Code § 50.14.010)

5.36.020 License Required.

It shall be unlawful for any person, firm or corporation to maintain, operate or permit to be operated any music machine, amusement machine or gaming table as above defined in any restaurant, bar, tavern or other public place in Pierce County, without first obtaining a license pursuant to the provisions of this Title except that such devices may be maintained in a private dwelling occupied for residential purposes only. (Ord. 2003-119s2 § 2 (part), 2003; Ord. 81-73 § 1 (part), 1982; Res. 18249 § 2 (part), 1975; prior Code § 5.14.020)

5.36.030 Master Operator's License Required.

A Master Operator's License is required for the owner of any coin operated machines defined in this Chapter. Such a license is required for the purposes of effectively controlling the operation of the devices herein described, Pierce County having in mind the necessity for proper supervision. (Ord. 2003-119s2 § 2 (part), 2003; Ord. 81-73 § 1 (part), 1982; Res. 18249 § 2 (part), 1975; prior Code § 50.14.030)

5.36.040 Master Distributor's License.

It shall be unlawful for any person to engage in the business of selling at wholesale or retail or distributing to others for sale any coin operated device as hereinabove described for use or play by the public without a valid and subsisting Master Distributor's License. (Ord. 2003-119s2 § 2 (part), 2003; Ord. 81-73 § 1 (part), 1982; prior Code § 50.14.035)

5.36.050 Location License.

A Location License for all devices herein described shall be required for each place of business in which there is displayed, exhibited or exposed or permitted to be displayed, exhibited or exposed for purposes of use, play or operation by the public, any devices hereinabove described. It is provided that the license must be conspicuously displayed on the premises. Any holder of a Location License may own any amusement device as herein defined and may display same at the place covered by such Location License; but any such person shall be deemed to be an operator and shall be required to have an Operator's License as in this Chapter provided. (Ord. 2003-119s2 § 2 (part), 2003; Ord. 81-73 § 1 (part), 1982; prior Code § 50.14.036)

5.36.060 Duty of Licensee.

It shall be the duty of all licensees granted licenses by this Chapter to comply with the following regulations and the failure of any licensee to do so shall constitute, but shall not be exclusive grounds for, suspension or revocation of any license and shall constitute a violation of this Chapter:

- A. It is provided that a licensee is not to have in his employ or financially interested in the business to be conducted, any person who has had his license revoked for cause by Pierce County within one year from the date of such revocation.
- B. It shall be unlawful for any person to transfer or attempt to transfer any license issued under this Chapter and any transfer is expressly prohibited.

(Ord. 81-73 § 1 (part), 1982; prior Code § 50.14.037)

5.36.070 Relocation of Machines.

Subject to the provisions of Pierce County Code Chapter 5.02, any machine defined herein may be relocated, provided that the Director is notified of the relocation within 72 hours after said machine is relocated. (Res. 18249 § 2 (part), 1975; prior Code § 50.14.040)

5.36.080 Serial Numbers Required.

Every coin operated device defined herein shall have a serial number stamped thereon to identify the same, and a license therefore issued pursuant to this Chapter conspicuously displayed near and indelibly printed, stamped or impressed statement bearing the name and address of the owner or exhibitor of the machine. (Ord. 81-73 § 1 (part), 1982; Res. 18249 § 2 (part), 1975; prior Code § 50.14.050)

5.36.090 Presumption of Responsibility.

Every person or employee in charge of any place of business wherein such device is being operated or offered for operation shall be conclusively presumed to be in control of such device, and if said machine is unlicensed, shall be deemed responsible for said violation of the law. (Res. 18249 § 2 (part), 1975; prior Code § 50.14.060)

5.36.100 Penalties.

In addition to the penalties prescribed in Pierce County Code Chapter 5.02, any machine as defined herein that is operated without a license shall be subject to impoundment, after 48 hours written notice to the owner or the location; it is further provided that any person who violates any Section of this Chapter shall be guilty of a misdemeanor and subject to prescribed penalties. (Ord. 81-73 § 1 (part), 1982; Res. 18249 § 2 (part), 1975; prior Code § 50.14.070)

5.36.120 Refunds.

The proprietor of the location where the amusement device is located shall be responsible to the patron for all refunds due the patron. (Res. 18249 § 2 (part), 1975; prior Code § 50.14.090)

Chapter 5.38

MASSAGE PARLORS AND BATHHOUSES

Sections:

- 5.38.010 Purpose.**
- 5.38.020 Definitions.**
- 5.38.030 License and Permit Required.**
- 5.38.040 Exemptions.**
- 5.38.050 Limitations on Number of Licenses Issued.**
- 5.38.090 Fees – Filing Date.**
- 5.38.110 Fees – Refund Request.**
- 5.38.120 Establishment License – Application – Contents.**
- 5.38.130 Establishment License – Application – Duties of Public Officials.**
- 5.38.140 Establishment License – Issuance – Grounds for Denial.**
- 5.38.150 Establishment License – Approval or Denial – Time.**
- 5.38.160 Establishment License – Grounds for Suspension or Revocation.**
- 5.38.170 Massagist Permit – Application – Contents.**
- 5.38.180 Massagist Permit – Issuance – Grounds for Denial.**
- 5.38.190 Massagist Permit – Approval or Denial – Time.**
- 5.38.200 Massagist Permit – Grounds for Suspension or Revocation.**
- 5.38.210 Appeal of Decisions on License or Permit Applications.**
- 5.38.220 Massagist or Employee – Massaging Sexual or Genital Parts Prohibited.**
- 5.38.230 Massagist or Employee – Exposing Sexual or Genital Parts Prohibited;
Uniform Required.**
- 5.38.240 Massagist or Employee – Admitting Persons Under Age of Eighteen Prohibited.**
- 5.38.250 Unlawful Hours of Operation.**
- 5.38.260 Licensee, Owner, Operator or Manager – Prohibited From Engaging in
Unlawful Acts.**
- 5.38.270 Licensee, Owner, Operator or Manager – Permitting or Encouraging Persons
to Perform Unlawful Acts Prohibited.**
- 5.38.280 Licensee, Owner, Operator or Manager – Prohibited Acts.**
- 5.38.290 Prohibition of Massage Business Near School or Churches.**
- 5.38.300 Parking.**
- 5.38.310 Outcall Massage Restrictions.**
- 5.38.320 Unobstructed Openings in Doorways Required.**
- 5.38.330 Liquor or Controlled Substances Prohibited.**
- 5.38.340 Facilities – Minimum Standards.**
- 5.38.350 Operating Requirements.**
- 5.38.360 Liability Insurance.**
- 5.38.370 Records.**

5.38.380 Inspection.

5.38.390 Conduct of Business Under Name and at Place Specified in License.

5.38.400 Sale, Lease, Transfer or Relocation of Establishment.

5.38.410 Transfer of License or Permit.

5.38.420 Violations – Penalties.

5.38.430 Time to Comply.

5.38.440 Severability.

5.38.010 Purpose.

The Pierce County Council finds that certain practices associated with public massage parlors, public bathhouses, massagists and other specific hands-on bodily contact may be injurious to the public health, safety, and welfare and that regulation and licensing of such establishments and their employees, and regulation, licensing and minimum educational qualifications for massagists are necessary in the interest of the public welfare of the citizens of the County. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.010)

5.38.020 Definitions.

- A. "Auditor" means the Pierce County Auditor.
- B. "Employee" means any person over 18 years of age, other than a massagist, who renders any service in connection with the operation of an establishment and receives compensation from the operator of the business or patrons.
- C. "Establishment" means any place of business where massage is practiced; this includes sensitivity studios, body painting studios, exercise studios, conversation studios, companionship studios, exotic dance studio, dating service and/or any other business title if used as a ruse to circumvent this Chapter to practice massage without a license.
- D. "License" means a certificate issued by the County authorizing the holder thereof to own or operate an establishment as defined in this Section.
- E. "Licensee" means the person to whom a license has been issued to own or operate an establishment as defined in this Section.
- F. "Massage" means the method, art or science of treating the human body either exclusively or in conjunction with other related or unrelated forms of treatment, for hygienic, remedial, relaxational or other related purposes by rubbing, stroking, tapping, pounding, kneading, rolling, vibrating, manipulating or stimulating the external parts of the human body of another with the hands, or by any other agency or instrumentality including, but not limited to, mechanical and/or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of the massage. The term "massage," as used herein, includes the use, in connection with massage treatment, of such appliances, equipment and aids as heat lamps, electric cabinets designed to produce heat, steam baths given by cabinet or any other method, mineral baths either as complete or partial baths, baths by tub or shower or otherwise, baths administered hot or cold, using water, natural mineral water, a formula, or other liquid, and including colonic irrigation.
- G. "Massagist" includes masseur, masseuse, massage parlor attendant or bathhouse attendant.

- H. "Masseur" or "masseuse" means a male person, or female person, respectively, who practices massage or holds himself or herself out as practicing massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.
- I. "Outcall massage service" means any business, the function of which is to engage in or carry on massages at a location other than at an establishment as defined in this Section.
- J. "Patron" means any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration or gratuity therefor.
- K. "Permit" means a certificate issued by the County authorizing the holder thereof to:
 - 1. Act as a masseur; or
 - 2. Act as a masseuse; or
 - 3. Act as a public massage parlor attendant.
- L. "Permittee" means the person to whom a permit has been issued to act in the capacity of a massagist.
- M. "Person" means any individual, association, company, corporation, firm, joint stock company, partnership or organization of any kind.
- N. "Public bathhouse" means any fixed place of business within the County, however named or called, where baths or facilities for baths of any kind whatever are given or furnished for, or in expectation of any fee, compensation, or monetary consideration including, but not limited to: Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam, vapor, water or electric cabinet; provided that "public bathhouse" for the purpose of this Chapter, does not include such baths or facilities for baths where no attendant or other person administers or holds himself out as administering massage treatment as defined in this Section either by physical manipulation of the body or by the use of equipment.
- O. "Public bathhouse attendant" means any person who administers to, or performs services to, patrons of a public bathhouse or who supervises the work of such a person. The term does not include a person who performs any custodial or janitorial work.
- P. "Public massage parlor" means any fixed place of business within the County, however named or called, where massages are given or furnished in expectation of any fee, compensation or monetary consideration.
- Q. "Public massage parlor attendant" means any person who administers to, or performs services to, patrons of a public massage parlor or who supervises the work of a masseur or masseuse or other person administering to, or performing services to, such patrons. The term does not include a person who performs only custodial or janitorial work.
- R. "Recognized school" means any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized or approved by or affiliated with the American Massage and Therapy Association, Inc. and which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires for its basic course of study the subjects of anatomy, physiology, hygiene and first aid, and which school requires a resident classroom course of study of not less than 100 hours before a student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

- S. "Sexual or genital area" means genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.020)

5.38.030 License and Permit Required.

- A. Business License Required. No person shall conduct, operate or maintain an establishment unless that person has a valid business license issued by the County pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person.
- B. Permit Required. No person shall act as a massagist unless a valid or subsisting permit has been issued to that person by the County, pursuant to the provisions of this Chapter.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.030)

5.38.040 Exemptions.

- A. When no fee, compensation, gratuity or any other monetary consideration is charged or paid directly or indirectly for such services, the provisions of this Chapter shall not apply to:
1. Athletic coaches or trainers affiliated with public or private educational institutions or athletic organizations performing such practices of massage in their capacity as athletic coach or trainer;
 2. Students enrolled in schools of massage performing such practices of massage as are incidental to their course of study.
- B. The provisions of this Chapter shall not apply to:
1. Persons licensed in this state to practice medicine, surgery, osteopathy, chiropractic, chiropody, naturopathy, dentistry, nursing, optometry, or podiatry;
 2. Massage treatments given in any hospital, duly licensed nursing home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state to treat the sick, injured or infirm, or by any nurse under the direction of a person so licensed;
 3. Barbers, beauticians and cosmetologists who are duly licensed under the laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes;
 4. An individual giving massage in his own home to members of his immediate family;
 5. Massage practiced at the athletic department of any institution maintained by the public funds of the state or any of its political subdivisions;
 6. Massage practiced at the athletic department of any school or college accredited by the Northwest Association of Secondary and Higher Schools.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.040)

5.38.050 Limitation on Number of Licenses Issued.

The number of licenses issued for massage parlors shall be limited to a number of establishments in the unincorporated areas of Pierce County based on a ratio of one massage parlor per 10,000 inhabitants of the unincorporated area of Pierce County. For this purpose, the population of the unincorporated areas of Pierce County shall be determined in the last preceding official United States census of Pierce County; provided, that nothing contained in this Section shall affect the rights of any existing licensed massage parlor. Provided, however, no licensee, member of a partnership, corporation, or stockholder of a corporation shall have any more than one massage parlor. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.050)

5.38.090 Fees – Filing Date.

Applications for renewal of a license or permit issued under this Chapter shall be made on or before the expiration date provided for in Section 5.38.080, in the same manner and on payment of the same fees as provided for an original application under this Chapter. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.090)

5.38.110 Fees – Refund Request.

If, pursuant to the provisions of this Chapter, the applicant's request for a license or permit is denied, either upon original application or renewal, 50 percent of the fee tendered shall be refunded to the applicant, if the applicant requests such refund no later than 90 days following such denial, otherwise such amount shall be forfeited to the County. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.110)

5.38.120 Establishment License – Application – Contents.

No license or renewal of a license to conduct an establishment shall be issued or renewed except upon written application filed with the Auditor upon forms furnished by the County, which shall be signed and sworn to by the person who intends to conduct, operate and maintain an establishment. Each application shall contain the following information:

- A. The business name, business address and all telephone numbers of the establishment or proposed establishment;
- B. A definition of service to be provided: Hereinafter, all provisions which refer to applicant include an applicant which may be a corporation or partnership. If an applicant is a corporation, the application requirements of this Section shall apply to all the corporation officers and directors. In addition, shareholders owning more than 10 percent of the stock of such corporation shall comply with these requirements unless otherwise provided. If an applicant is a partnership, the application requirements of this Section shall apply to all the partners, both general and limited;
- C. The true name, home address and telephone number of each applicant and whether the applicant is a sole proprietorship, partnership or corporation.
 1. If applicant is a corporation, it shall set forth the name, residence address and telephone number of each of its officers and directors of said corporation and of each stock holder owning more than 10 percent of the stock of the corporation. In addition, the address of the corporation itself, if different from the address of the establishment;
 2. If applicant is a partnership, it shall set forth the name, residence address and telephone number of each of the partners, including both general and limited partners. In addition, the address of the partnership itself, if different from the address of the establishment;
- D. Proof that the applicant is at least 18 years of age, except that if the applicant is a corporation such proof shall apply only to the directors and officers of said corporation;
- E. Applicant's sex, weight, height and color of eyes and hair, and date of birth;
- F. Copy of the applicant's identification such as driver's and social security card;
- G. The name and address of each person who is a secured or unsecured debtor and/or creditor of the applicant;
- H. The principal business of the proprietor of the proposed establishment if a sole proprietorship, if a partnership, the principal occupation of all partners; if a corporation, the principal enterprise of such corporation;

- I. The business name and address of any establishment, as defined in Section 5.38.020, owned or operated by any person whose name is required to be given in subsection C. of this Section wherein the business or profession of massage is carried on;
- J. The massage or similar business license history of the applicant, whether the applicant in previously operating in this or another county or state has had a business license denied, revoked or suspended and the reason therefor. In the event the applicant has had a business license denied, revoked or suspended, the name and address of the agency denying, revoking or suspending the license;
- K. The business, occupation or employment of the applicant for the five years immediately preceding the date of application;
- L. How long the applicant has resided in the County. If not a resident of the County continuously for the last five years, previous residence addresses during that period;
- M. A description of any other business to be operated on the same premises or adjoining premises owned or controlled by the applicant;
- N. Two, two-inch by two-inch color photographs of the applicant or in the case of an applicant other than an individual, the party signing the application, showing only the full front-face portrait of the applicant and taken within the six months prior to the date of the original application. The license, when issued, shall have affixed to it such photograph of the applicant or the party signing the application, and in addition, a complete set of the applicant's fingerprints, which shall be taken by the County Sheriff.
 - 1. If the applicant is a corporation, the fingerprinting requirements shall apply only to all officers and directors or managing agents of such corporation,
 - 2. If the applicant is a partnership, the fingerprinting requirements shall apply to all partners, both general and limited, of said partnership,
 - 3. Each set of photographs shall be provided at the applicant's expense,
 - 4. Fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Bureau;
- O. Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted of or forfeited bail to any crime, excluding minor traffic offenses. If so, state the charge and nature of the crime, the name and location of the court in which the case was filed and, if different, the name and location of the convicting court and the disposition thereof;
- P. The name and residence address of each massagist who is or will be employed in the establishment;
- Q. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant is a partnership, this requirement shall apply only to the general partners and that if the applicant is a corporation, this requirement shall apply only to the corporate officers;
- R. Authorization for the County, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license;
- S. The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If applicant is able, the statements must first be furnished from the residents of the County, then the state, and lastly from the rest of the United States. These references must be persons other than relatives and business associates;

- T. All assumed names or aliases which have been or are used by any person whose name appears on an application;
- U. Such other relevant identification and information necessary as the Auditor may reasonably require to discover the truth of the matters herein specified as required to be set forth in the application.

Upon completion of the above provided form and the furnishing of all foregoing information, the Auditor will accept the application for necessary investigations. The holder of an establishment license shall notify the Auditor of each change in any of the data required to be furnished by this Section within ten days after such change occurs.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.120)

5.38.130 Establishment License – Application Duties of Public Officials.

Upon the filing of an application for issuance or renewal of an establishment license, the Auditor shall within five days forward copies to the Auditor, the Pierce County Sheriff, the Director of Planning, the Director of Building and Fire Inspection Department and the Tacoma-Pierce County Health Department.

- A. Within 30 days after receipt of a copy of the application, the Pierce County Sheriff or his agent shall investigate the statements set forth in the application and submit a written report to the Auditor whether or not the information received by the Sheriff confirms the information in the application.
- B. Within 30 days after receipt of a copy of the application, the Director of Planning or his agent shall inspect the proposed establishment and submit a written report to the Auditor whether or not the location of the proposed establishment is in conformity with the regulations of the zoning code.
- C. Within 30 days after receipt of a copy of the application, the Building Director or his agent shall inspect the proposed establishment and submit a written report to the Auditor whether or not it complies with the regulations of the building code and related codes, and that the requirements of Sections 5.38.340 and 5.38.350 have been met.
- D. Within 30 days after receipt of a copy of the application, the fire inspector or his agent shall examine the proposed establishment and submit a written report to the Auditor as to whether it complies with the regulations of the Fire Prevention Code.
- E. Within a reasonable period of time, after receipt of a copy of the application, the agent for the Tacoma-Pierce County Health Department shall inspect the premises or proposed premises to determine its suitability and adequacy as to sanitary and physical conditions and submit a written report to the Auditor thereon.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.130)

5.38.140 Establishment License – Issuance – Grounds for Denial.

The Auditor shall issue an establishment license to the applicant if all the application requirements of Section 5.38.120 are met, and the statements contained in the application are determined to be true unless the Auditor finds one of the following, in which case the license application shall be denied:

- A. The correct license fee has not been tendered to the County, and in the case of a check, or bank draft, honored with payment upon presentation.
- B. One or more of the written evaluation reports required by Section 5.38.130 reveals noncompliance.

- C. The applicant, if an individual; or, if a corporation, any of the officers, or directors; or in the case of stockholders, those holding more than 10 percent of the stock of such corporation; or, if a partnership, any of the partners, whether general or limited, or the manager or other person principally in charge of the operation of the business, has been convicted of or forfeited bail for any of the following offenses, whether it is a violation of federal, state or local law, or convicted of or forfeited bail for an offense that is reasonably related to his fitness or ability to operate as a massagist. Including, but not limited to any of the following offenses:
1. An offense involving the use of force or violence upon the person of another that amounts to either a felony or misdemeanor;
 2. An offense involving sexual misconduct, i.e., rape, assignation, prostitution, indecent liberties, lewdness;
 3. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony;
 4. A crime involving moral turpitude;
 5. A crime of attempting to defraud. The Auditor may issue a license to any person convicted of any of the crimes described in subsection C. of this Section if the Auditor finds that such conviction or bail forfeiture occurred at least five years prior to the date of the original application and the applicant has had no subsequent felony convictions of any nature nor any subsequent misdemeanor convictions or bail forfeitures for crimes mentioned in this Section.
- D. The applicant has knowingly made any false misrepresentation or fraudulent statement of fact, or failed to disclose facts or has provided incorrect, false or misleading information in the license application or in any document required by the County in conjunction therewith.
- E. The applicant has had an establishment license or other similar license denied, revoked, or suspended by the County or any other state or local agency within five years prior to the date of the original application.
- F. The applicant, if an individual; or any of the officers and directors if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.140)

5.38.150 Establishment License – Approval or Denial – Time.

The Auditor shall act to approve or deny an application for a license under this Chapter within a reasonable period of time and in no event shall the County act to approve or deny said license later than 90 days from the date that said application was accepted by the Auditor. Every license issued pursuant to this Chapter will expire as provided in Section 5.38.080 unless sooner suspended or revoked as provided in Section 5.38.160.

Any applicant for an establishment license whose application, whether initial or renewal, is denied pursuant to Section 5.38.140 shall have the right to appeal such action as provided in Section 5.38.210.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.150)

5.38.160 Establishment License – Grounds for Suspension or Revocation.

- A. The following shall be grounds for suspension or revocation of an establishment license issued under the provisions of this Chapter:
 - 1. The license was procured by fraud or false representation of facts; or
 - 2. The knowing violation of or failure to comply with the provisions of this Chapter by the licensee or any of his servants, massagists, agents or employees and the conviction or bail forfeiture thereof; or
 - 3. The conviction or bail forfeiture of a licensee for violating a Federal, State or local law, subsequent to the date of issuance of the establishment license, relating to:
 - a. An offense involving the use of force or violence upon the person of another that amounts to a felony or misdemeanor, or
 - b. An offense involving sexual misconduct, or
 - c. An offense involving possession, use or sale of narcotics, dangerous drugs or alcoholic beverages, or
 - d. An offense involving dangerous weapons which amounts to a felony, or
 - e. An offense involving moral turpitude or the conviction or bail forfeiture of any of the licensee's servants, massagists, agents or employees of an offense involving moral turpitude committed on the premises in which the licensed establishment is located, or
 - 4. It is determined that the further operation of such establishment would be detrimental to the public health or welfare of the citizens of the County.
- B. Suspension. The Auditor shall suspend the license of an establishment licensed under this Chapter for a period of 30 days upon receipt by the Auditor of notice of a first conviction or bail forfeiture pursuant to subdivision 2 of subsection A. of this Section.
- C. Revocation.
 - 1. The Auditor shall revoke the license of an establishment upon receipt of a notice of a second conviction or bail forfeiture pursuant to subdivision 2 of subsection A. of this Section, within five years of the initial convictions or bail forfeitures referred to in subsection B. of this Section.
 - 2. The Auditor shall revoke the license of an establishment licensed under this Chapter for all other grounds stated in subsection A. of this Section.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.160)

5.38.170 Massagist Permit – Application – Contents.

- A. No permit or renewal of a permit to act as a massagist shall be issued or renewed except upon written application filed with the Auditor upon forms furnished by the County, which shall be signed and sworn to by the applicant. Each application shall contain the following information:
 - 1. The true name, home address and telephone number of applicant;
 - 2. The business name, business address and all telephone numbers where the massagist will operate;
 - 3. Applicant's sex, weight, height, color of hair and eyes;
 - 4. Social security number, driver's license number, if any, and date of birth;
 - 5. Proof that the applicant is at least 18 years of age;
 - 6. The massage or similar business history and experience of applicant for the five years prior to the date of the original application, including but not limited to, whether or not such person, in previously operating in this or another county or state under license or permit, has had such license or permit denied, revoked, or suspended and the reasons therefor;

7. Present and previous occupation or occupations of the applicant for the preceding five years, and the address and telephone number of the place of employment;
 8. How long the applicant has resided in the County, and the previous residence or residences for the five years preceding the date of the original application. If not a resident of the County continually for the last five years, the previous residence addresses during that period;
 9. Two, 2-inch by 2-inch color photographs of the applicant taken within six months prior to the date of the original application, showing only the full front-face portrait of such applicant. The permit, when issued, shall have affixed to it such photograph. The photographs shall be provided at the applicant's expense;
 10. Applicant shall also be required to submit to fingerprinting by the County Sheriff, and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Division;
 11. Whether the applicant has ever been convicted of or forfeited bail to any crime, excluding minor traffic offenses. If so, state the charge and the nature of the crime, the name and location of the court in which the case was filed and, if different, the name and location of the convicting court, the date of conviction and the disposition thereof;
 12. The name and address of the recognized school attended, the date attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 100 hours of resident classroom instruction. In no event shall any person within the purview of this Chapter act as aforesaid without satisfying the training requirement set forth within this Section after the effective date of the ordinance codified in this Chapter;
 13. The names, current addresses and written statements of at least three bona fide permanent residents of the United States, other than relatives and business associates, that the applicant is of good moral character. If the applicant is able, the statements must first be furnished from residents of the County, then the State, and lastly from the rest of the United States;
 14. All assumed names or aliases which have been or are used by the applicant;
 15. A medical certificate, signed by a physician licensed to practice in the State, within seven days of the date of the original application. The certificate shall state that the applicant is free from and is not a carrier of any contagious or communicable diseases, omitting minor colds. The information required by this subsection shall be provided at the applicant's expense;
 16. Authorization for the County, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
 17. Such other relevant identification and information necessary, as the Auditor may reasonably require, to discover the truth of the matters specified in this Section as required to be set forth in the application;
 18. Written declaration by the applicant under penalty of perjury that the foregoing information contained in the application is true and correct said declaration being duly stated and signed in the County.
- B. A massagist licensed under this Chapter shall be required to complete a minimum of 16 hours of continuing education at a recognized school during each 12-month period prior to the expiration date as defined in Section 5.38.080.

1. A massagist licensed under this Chapter shall not be required to comply with subsection B. until the second license renewal date after he or she has successfully completed the course of study at a recognized school as required in Section 5.38.170 A.12.
2. A massagist licensed under this Chapter shall be required to furnish to the Auditor at the renewal date, except as provided in subsection B.1., a certificate or other indication from a recognized school that the provisions of this Section have been complied with.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.170)

5.38.180 Massagist Permit – Issuance – Grounds for Denial.

The Auditor shall issue a massagist permit to the applicant if all the application requirements of Section 5.38.170 are met, and the statements contained in the application are determined to be true, unless the Auditor finds one of the following:

- A. The correct permit fee has not been tendered to the County, and, in the case of a check, or bank draft, honored without payment upon presentation.
- B. The applicant has been convicted of or forfeited bail for any of the following offenses whether the violation is of a federal, state or local law, or convicted of or forfeited bail for an offense outside the state that would have constituted any of the following offenses if committed within the state:
 1. An offense involving the use of force or violence upon the person of another which amounts to a felony or misdemeanor;
 2. An offense involving sexual misconduct;
 3. An offense involving narcotics, dangerous drugs or dangerous weapons which amounts to a felony;
 4. A crime involving moral turpitude;
 5. A crime involving fraud or attempt to defraud.

The Auditor may issue a license to any person convicted of or forfeited bail for any of the crimes described in this subsection if the Auditor finds that such conviction or bail forfeiture occurred at least five years prior to the date of the original application and the applicant has had no subsequent felony convictions of any nature nor any subsequent misdemeanor convictions or bail forfeitures for crimes mentioned in this Section.

- C. The applicant knowingly made any false representation or fraudulent statement of fact, or failed to disclose facts, or provided incorrect, false or misleading information in the permit application or any document required by the County in conjunction therewith.
- D. The applicant has had a subsequent permit or other similar permit or license denied, revoked or suspended by the County or any other state or local agency within five years prior to the date of the original application.
- E. The applicant is not over the age of 18 years of age.
- F. The applicant does not possess a state license to practice as a massagist issued pursuant to the provisions of applicable statutes and regulations.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.180)

5.38.190 Massagist Permit – Approval or Denial – Time.

The Auditor shall act to approve or deny an application for a permit under this Chapter within a reasonable period of time, and in no event shall the Auditor act to approve or deny said permit later than 90 days from the date that the application was accepted by the Auditor. Every permit issued pursuant to this Chapter will expire as provided in Section 5.38.080 unless sooner suspended or revoked as provided in Section 5.38.200.

Any applicant for a Massagist's permit whose application, whether initial or renewal, is denied pursuant to Section 5.38.180 shall have the right to appeal such action as provided in Section 5.38.210.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.190)

5.38.200 Massagist Permit – Grounds for Suspension or Revocation.

- A. The following shall be grounds for suspension or revocation of a massagist permit issued under the provisions of this Chapter:
 - 1. The permit was procured by fraud or false representation of facts; or
 - 2. The knowing violation of, or failure to comply with, the provisions of this Chapter which regulate massagists, and the conviction or bail forfeiture thereof; or
 - 3. The conviction or bail forfeiture of the massagist for violation of a federal, state or local law subsequent to the date of the issuance of the massagist permit relating to:
 - a. An offense involving the use of force or violence upon the person of another which amounts to a felony or misdemeanor, or
 - b. An offense involving sexual misconduct, or
 - c. An offense involving possession, use or sale of narcotics, dangerous drugs or alcoholic beverages, or
 - d. An offense involving dangerous weapons which amounts to a felony, or
 - e. An offense involving moral turpitude; or
 - 4. Habitual drunkenness or intemperance in the use of narcotics or stimulants; or
 - 5. Conduct inimical to the public health or welfare.
- B. Suspension. The Auditor shall suspend the permit of a massagist licensed under this Chapter for a period of:
 - 1. Thirty days upon receipt by the Auditor of notice of a first conviction or bail forfeiture of the massagist pursuant to subdivision 2 of subsection A. of this Section;
- C. Revocation.
 - 1. The Auditor shall revoke the permit of a massagist licensed under this Chapter upon receipt of a notice of a second conviction or bail forfeiture of the massagist pursuant to subdivision 2 of subsection A. of this Section, within five years of the initial convictions or bail forfeiture referred to in subsection B. of this Section.
 - 2. The Auditor shall revoke the permit of a massagist licensed under this Chapter for all other grounds stated in subsection A. of this Section.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.200)

5.38.210 Appeal of Decisions on License or Permit Applications.

Any person whose application for either an establishment license or for a massagist permit, whether initial or renewal, is denied pursuant to Sections 5.38.140 or 5.38.180, respectively, or whose existing license or permit is suspended or revoked pursuant to Sections 5.38.160 or 5.38.200, respectively, shall be notified by the Auditor by registered or certified mail, return receipt requested, or by personal service, of the Auditor's decision. Notice mailed to the residence address on file of the person signing the application shall be deemed received three days after the mailing date. The notice shall specify the grounds for the denial, failure to renew, suspension or revocation. The denial, failure to renew, suspension or revocation shall become effective ten days from the date the notice is delivered or deemed received unless, during that 10-day period, the person notified files a written appeal with the Auditor requesting a hearing before the Pierce County Council on such matter.

Such notice or appeal filed with the Auditor shall, within five days thereof, be transmitted by the Auditor to the Council along with the pertinent records and a report describing the reasons for such administrative action.

The Council shall then, within an additional 10 days following receipt of such material, set such matter for hearing not less than 12 days nor more than 30 days following the date of receipt of such information by the Council.

Upon the setting of such matter for hearing, the Auditor shall notify the appellant by registered or certified mail, return receipt requested, of the hearing date.

The appellant may appear and be heard before the Council and present such facts and arguments as may tend to support the appellant's position, subject to reasonable rules and regulations provided by the Council.

At the conclusion of the hearing the Council shall affirm, reverse or modify the administrative ruling and its decision shall be final. Such decision and the grounds therefor shall be made in writing.

If the Auditor's action results in a denial of an initial license or permit application, no establishment required to be licensed or no massagist required to have a permit under the provisions of this Chapter shall engage in such activity as is allowed by license or permit in the interim period between the Auditor's action and the time the Council affirms, reverses or modifies the Auditor's action.

If the Auditor's action results in either a nonrenewal, suspension or revocation of such license or permit, the filing of the appeal shall stay the action of the clerk pending the final decision of the Council.

In the event the applicant affected by the Auditor's action does not appeal or request a hearing before the Council within the aforementioned period, the license or permit of said applicant shall be denied, nonrenewed, suspended or revoked as provided in the initial notice. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.210)

5.38.220 Massagist or Employee – Massaging Sexual or Genital Parts Prohibited.

It is unlawful for any massagist or employee in an establishment to intentionally place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any patron whether or not the patron requests or acquiesces in the activity. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.220)

5.38.230 Massagist or Employee – Exposing Sexual or Genital Parts Prohibited; Uniform Required.

It is unlawful for any massagist or employee in an establishment to intentionally expose or fail to conceal his or her, or any other massagist's, sexual or genital parts or any portion thereof to any patron, whether or not the patron requests or acquiesces in the activity. All persons employed as massagists shall wear washable professional type apparel or uniforms while in an establishment. All massagists shall be fully clothed, neat and clean during all times said massagists are on the premises of the establishment. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.230)

5.38.240 Massagist or Employee – Admitting Persons Under Age of Eighteen Prohibited.

It is unlawful for any massagist or employee of such establishment to knowingly admit any person under the age of 18 years to come or to remain on the premises of any establishment, as massagist, employee or patron, unless such person is on the premises on lawful business or unless such person is accompanied by his or her parent or legal guardian. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.240)

5.38.250 Unlawful Hours of Operation.

It is unlawful for any licensee, massagist or employee to conduct an establishment after the hour of 12 midnight and prior to the hour of 8 a.m. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.250)

5.38.260 Licensee, Owner, Operator or Manager – Prohibited From Engaging in Unlawful Acts.

It is unlawful for any licensee and/or any person owning, operating, managing or in charge of any establishment licensed pursuant to this Chapter, without regard to their status as either massagist or employee, to personally engage or participate in, or perform any of the acts prohibited by Sections 5.38.220 through 5.38.250. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.260)

5.38.270 Licensee, Owner, Operator or Manager – Permitting or Encouraging Persons to Perform Unlawful Acts Prohibited.

It is unlawful for any licensee, and/or any person owning, operating, managing or in charge of any establishment licensed pursuant to this Chapter, who has actual or constructive knowledge of the illegality of the acts, to allow, permit or encourage, in or about such establishment, any massagist, employee, agent or any other person under his control or supervision to perform such acts prohibited in Sections 5.38.220 through 5.38.250. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.270)

5.38.280 Licensee, Owner, Operator or Manager – Prohibited Acts.

It is unlawful for any licensee, and/or any person owning, operating, managing or in charge of an establishment required to be licensed under this Chapter:

- A. To conduct or operate an establishment or business not licensed pursuant to this Chapter;
- B. To advertise the giving of massage treatments or public baths in an establishment not licensed pursuant to this Chapter or by any person or persons not qualified pursuant to this Chapter;
- C. To employ in such establishment any person to act as a massagist who does not have a valid massagist permit issued by the County pursuant to this Chapter;
- D. To employ in such establishment any person under the age of 18 years;
- E. To permit the establishment to be open to the public unless there is on the premises at all times at least one person who is qualified pursuant to this Chapter to act as a massagist;
- F. To conduct upon the premises any other business than the one licensed under this Chapter. For the purpose of this Section, any business activity which is conducted at the premises but uses the licensed premises as a point of meeting or for telephone answering to make arrangements, shall be deemed to be conducted upon the premises.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.280)

5.38.290 Prohibition of Massage Business Near School or Churches.

No establishment shall be located within 2,000 feet of the premises of any church or parochial or tax supported public elementary or secondary school measured along the most direct route over across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the establishment, and no license shall be issued to any establishment located in violation of this Section; provided that: This Section shall not apply to establishments holding a valid license at the effective date of this Chapter for their present location only. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.290)

5.38.300 Parking.

All establishments shall furnish off-street parking that will be sufficient to handle their estimated volume of business and no license shall be issued to any establishment in violation of this Section. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.300)

5.38.310 Outcall Massage Restrictions.

It is unlawful for any permittee under this Chapter to administer massage on an outcall basis. Such permittee shall administer massage solely within an establishment licensed to carry on such business under this Chapter. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.310)

5.38.320 Unobstructed Openings in Doorways Required.

It is unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within an establishment which is fitted with a door capable of being locked or capable of being barricaded or blocked in any manner while occupied by a massagist or employee and patron. All doors or doorway coverings within an establishment shall have an unobstructed two-way viewing into and out of all cubicles, rooms, or booths. The opening shall be not less than four and one-half feet from the floor of the establishment, nor more than five and one-half feet from the floor. Tables and cubicles used solely for the application of liquid and vapor baths shall have no such opening in the covering door or curtain, but shall be clearly marked as to purpose on the exterior door or curtain of said cubicle, room, or booth. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the Sheriff or Health Department. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.320)

5.38.330 Liquor or Controlled Substances Prohibited.

- A. Liquor, as that term is defined in the Washington State Alcoholic Beverage Control Act, shall not be distributed or consumed on the premises of any establishment licensed pursuant to this Chapter, unless the premises are licensed to serve the same by the Washington State Liquor Control Board.
- B. Controlled substances, as defined by the Washington State Uniform Controlled Substances Act, shall not be distributed or consumed on the premises of any establishment licensed pursuant to this Chapter.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.330)

5.38.340 Facilities – Minimum Standards.

The premises and equipment of an establishment shall be maintained in a clean, safe and sanitary manner. It shall be the duty of the licensee and/or any person owning, operating, managing or in charge of such establishment to meet the following minimum requirements. As provided in Section 5.38.140, no license to conduct an establishment shall be issued or renewed unless an inspection by the officials authorized in Section 5.38.130 reveals that the establishment complies with each of the following requirements. Furthermore, as provided in Section 5.38.160, an establishment license may be suspended or revoked if an inspection is not in compliance with each of the following requirements:

- A. Adequate lighting, heating and ventilating shall be installed and maintained in all parts of the facility in full compliance with the applicable building, mechanical, electrical and related codes.

- B. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the County Building Code. Plumbing fixtures shall be installed in accordance with the County Plumbing Code.
 - 1. Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the County.
 - a. Ceilings shall be used in the sauna area which are so devised as to prevent dripping of hot water.
 - b. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer; except, dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.
 - c. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
 - 2. Any sauna bath or similar facility shall duly post a maximum exposure time table as suggested by the manufacturer thereof.
 - 3. Any facilities using ultraviolet exposure rooms in their establishment shall post a maximum exposure time which shall not exceed three minutes for any individual.
- C. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.
- D. Closed cabinets shall be provided and used for the storage of clean linen, towels, mats and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
- E. Toilet facilities shall be provided in convenient locations. When massagists or employees and patrons of different sexes are on the establishment premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or more massagists or employees and patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
- F. Separate dressing rooms for each sex must be available on the premises with individual lockers for each massagist or employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- G. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap, a dispenser with single-service towels and a waste receptacle.
- H. All electrical equipment shall be installed in accordance with the requirements of the County's Electrical Code.
- I. All pools must be provided with recirculation and filtering equipment, which equipment shall include a rate of flow indicator and a loss of head gauge for the backwash filter.
- J. A safety or hand rail shall be installed in the pool easily accessible to users in every area of the pool.
- K. All shower and dressing facilities shall be available outside the pool area. Such area must be well lighted and ventilated with non-slip floor finish provided on floors sloping to a floor drain.
- L. All establishments must be fitted with an overhead sprinkler system for the purpose of fire prevention.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.340)

5.38.350 Operating Requirements.

It shall be the duty of the licensee and/or any person owning, operating, managing or in charge of such establishment to meet the following operating requirements. As provided in Section 5.38.140, no license to conduct an establishment shall be issued or renewed unless an inspection by the authorized officials reveals that the establishment complies with each of the following requirements. Furthermore, as provided in Section 5.38.160, an establishment license may be suspended or revoked if an inspection by the authorized officials reveals that the establishment is not in compliance with each of the following requirements:

- A. Every portion of the establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary manner.
 1. Any stools or benches in any bath facility should be easily cleanable and soundly constructed. They should be covered with single-service towels when in use.
 2. All exercise equipment and appliances shall be routinely checked for possible structural weakness and shall be maintained in a safe and sanitary manner at all times.
- B. Each patron using such a facility shall be furnished with an individual clean towel or disposable paper mat by the operator thereof. Towels shall not be reused until they are washed and sanitized. Each establishment shall be provided with clean, laundered sheets and towels in sufficient quantity and stored in a sanitary manner.
- C. If any facility contains any swirling water pools where more than one person is immersed, such pools shall be maintained under the same restriction as any public or semi-public pool. Bacterial quality shall be such that not more than 15 percent of any series of samples nor more than two consecutive samples in any series of samples collected at times when the pool is in use shall allow the presence of coliform bacteria in any of the five, ten-milliliter portions examined. Chlorine residual of .4 ppm in all parts of the pool while in use will assure acceptable bacteriological standards.
- D. Chlorine and pH test kit should be used routinely to check the chemical make-up of pool water and results to be recorded on a daily log sheet and to be kept current at all times.
- E. Each licensed establishment shall, during the license term, keep prominently posted in a location of public view a list of all services offered with a description of such services and the price rate for each service. All such business transactions shall thereupon be conducted in accordance with such representations.
- F. Posting of License. Every massagist shall prominently post the permit required by this Chapter in a location of public view in the establishment where such permittee is employed at all times, and such permit shall not be tampered with in any manner.
- G. No establishment granted a license under the provisions of this Chapter shall place, publish or distribute or cause to be placed, published or distributed, any advertisement, picture or statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.350)

5.38.360 Liability Insurance.

Any operator licensed under this Chapter shall at all times maintain in full force and effect a policy of general business liability insurance covering the premises and his employees or agents in the conduct of his/her business in the amount of at least \$100,000.00 per person and \$300,000.00 per incident. A copy of such policy shall be filed with the Auditor with written

endorsement thereon showing that the Auditor must be given written notice in the event of cancellation of said policy either by the company or the insured. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.355)

5.38.370 Records.

- A. The licensee and/or the person owning, operating, managing, or in charge of any establishment licensed pursuant to this Chapter shall keep a daily record of all patrons utilizing the services given by or at such establishment. Such record shall include the following information:
 - 1. Date of the service;
 - 2. Time of the service;
 - 3. Patron's name and address;
 - 4. Type of service rendered;
 - 5. Name and address of the massagist or employee actually rendering such service;
 - 6. Amount of money paid by each patron for the services, including gratuities.
- B. The licensee and/or the person owning, operating, managing, or in charge of any establishment licensed pursuant to this Chapter shall maintain a register of all persons employed and/or using the establishment at any time as massagist, and their permit numbers.
- C. The records required to be kept by subsection A. of this Section shall be retained for a period of five years after the date of treatment. The records required to be kept by subsection B. of this Section shall be retained for a period of five years after the date of initial employment or use of the establishment.
- D. The records required to be kept by this Section shall at all times during the retention period be present on the premises of the licensed establishment. Such records shall be open to inspection as provided in Section 5.38.380.

(Res. 22518 § 1 (part), 1980; prior Code § 50.16.360)

5.38.380 Inspection.

Any establishment required to be licensed under this Chapter shall be open to inspection for such purpose, at such time, place and by the following authorities as provided herein:

- A. **Purpose.** Inspections of facilities required to be licensed under this Chapter shall be conducted for the purpose of determining compliance with the requirements of this Chapter.
- B. **Time.** The authorities listed in subsection D. of this Section may visit and inspect the premises of an establishment at any time when such establishment is open for business.
- C. **Place.** The inspection as limited by subsection A. shall include the premises in or about the establishment that are open to the public. Public premises within the establishment shall be deemed to include any area in which patrons may undergo massage treatment. All interior doors within such premises, excluding doors to office or storage rooms shall be so equipped that they may not be fastened shut so as to prevent immediate access by the authorized officials. However, this subsection shall not be so construed to permit the physically forcible entry by the authorized officials into any area of an establishment, except under those circumstances authorized by law, but refusal to permit inspection for the purposes set forth below shall be grounds for suspension or revocation of an establishment's license pursuant to Section 5.38.160, or of a massagist permit pursuant to Section 5.38.200.

- D. **Authorities.** The following authorities are authorized to conduct inspections as required by this Section. In each case an authorized representative or agent may act on their behalf:
1. County Building Inspector;
 2. Tacoma-Pierce County Health Department;
 3. County Fire Inspector and officials of local Fire Districts;
 4. County Prosecutor;
 5. County Sheriff;
 6. County Auditor.
- E. **Inspection of Establishment/Premises – Scope.** Such inspection shall be limited to the following purposes:
1. To ascertain whether or not all massagists working on the establishment premises possess the proper permit;
 2. To ascertain whether or not the requirements of Section 5.38.340 are met;
 3. To ascertain whether or not the requirements of Section 5.38.350 are met;
 4. To inspect the records required to be maintained by Section 5.38.370 for good cause shown;
 5. To ascertain whether the provisions of Sections 5.38.220 through 5.38.330 are being complied with.
- F. **Inspection Reports.** All authorities conducting inspections pursuant to this Section shall submit an inspection report to the Auditor and the County Sheriff.
- Furthermore, if during an inspection conducted within the parameters of subsection E.5. of this Section, noncompliance with any other provision of this Chapter is discovered to exist, such authority shall without delay submit a report to the Auditor and County Sheriff.

(Ord. 82-33 § 1, 1982; Res. 22518 § 1 (part), 1980; prior Code § 50.16.370)

5.38.390 Conduct of Business Under Name and at Place Specified in License.

No person granted a license pursuant to this Chapter shall operate the establishment under a name not specified in the license, nor shall that person conduct business under any designation or location not specified in the license. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.380)

5.38.400 Sale, Lease, Transfer or Relocation of Establishment.

Upon sale, lease, transfer or relocation of an establishment, the license thereof shall be null and void unless approved as provided in Section 5.38.410; provided, however, that upon the death or incapacity of the licensee or any colicensee of the establishment, any heir or heiress of a deceased licensee, or any guardian of any heir or heiress of a deceased licensee, may continue the business of the establishment for a reasonable period of time not to exceed 60 days to allow for an orderly transfer of the license. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.390)

5.38.410 Transfer of License or Permit.

No license or permit shall be transferable except with the approval of the County. An application for such transfer shall be in writing and shall be accompanied by fees prescribed in Sections 5.38.060 through 5.38.110. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit as provided in Sections 5.38.120 and 5.38.170. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.400)

5.38.420 Violations – Penalties.

Violation of any Section of this Chapter shall be grounds for revocation or suspension of an establishment or massagist license. Violation of Sections 5.38.030, 5.38.220 through 5.38.280, 5.38.310 through 5.38.330, 5.38.360 and 5.38.380 through 5.38.410 of this Chapter shall be a gross misdemeanor and punishable by a fine of not more than \$250.00 or by imprisonment for not more than 90 days in the County jail, or by both such fine and imprisonment. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.410)

5.38.430 Time to Comply.

All massagists and establishments not currently licensed under the prior code provision shall be required to comply with this new Chapter upon its effective date. Massagists and establishments currently licensed shall have one year to comply with any new requirements of this amendment as contrasted to the requirements of the prior code provisions. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.420)

5.38.440 Severability.

If any provision of this Chapter, or its application to any person or circumstance is held invalid, the remainder of the Chapter, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable. (Res. 22518 § 1 (part), 1980; prior Code § 50.16.430)

Chapter 5.40

USAGE STANDARDS FOR PIERCE COUNTY AIRPORT – THUN FIELD

Sections:

- 5.40.010 Purposes.**
- 5.40.020 Airport Management.**
- 5.40.030 Airport Revenue.**
- 5.40.040 Public Use.**
- 5.40.050 Search and Rescue Operations.**
- 5.40.060 Commercial Operations – Minimum Standards.**
- 5.40.070 Leasing Information.**
- 5.40.080 Concession Agreements.**
- 5.40.090 Airport Rules and Regulations.**
- 5.40.100 Operators to Keep Rules Available.**

5.40.010 Purposes.

The declared purposes of this Chapter are to implement the authority delegated by the State of Washington to its municipalities as set forth in Chapter 14.08, Revised Code of Washington; and to acknowledge and require compliance with the obligations of Pierce County to abide by the Airport Compliance Requirements and the Guidelines for Leases or Agreement Granting Commercial Franchise Privileges for Aeronautical/Non-Aeronautical Activities at Public Airports, administered by the Federal Aviation Administration, as required by agreements between Pierce County and the Federal Government as conditions of grants to Pierce County; and to adopt and set forth Rules and Regulations for the administration and operation of the Pierce County Airport (Thun Field). (Ord. 2000-2S § 2 (part), 2000)

5.40.020 Airport Management.

The Pierce County Director of Public Works and Utilities (Director) shall manage Thun Field; which management shall include but not be limited to day-to-day operations, maintenance, administration of lease agreements, liaison with the Federal Aviation Administration, preparation of annual budgets, and shall at all times have the authority to take such action as may be necessary to enforce this Chapter and the Airport Rules and Regulations (AR&R), set forth below, and as may be necessary for the handling, policing, protecting, and safeguarding the public while present at Thun Field, and to regulate vehicular operation, parking, and storage on Thun Field. The Director may suspend or restrict any or all airport operations whenever such action is deemed necessary in the interest of public safety, subject to review of such actions by the County Executive (Executive).

The Director shall designate certain employees of the Pierce County Department of Public Works and Utilities who may act on the Director's behalf, as the Director instructs. (Ord. 2000-2S § 2 (part), 2000)

5.40.030 Airport Revenue.

All airport funds received from user fees, leasehold payments, real estate excise tax allocations grants, or any other airport revenue received by the County shall be deposited in the Airport Fund. Cash balances not needed for projected expenditures shall be invested in legally permissible interest earning instruments for the benefit of the Airport Fund. (Ord. 2000-2S § 2 (part), 2000)

5.40.040 Public Use.

Thun Field shall be open to the public for aircraft operations at all times, subject to temporary closure or restriction due to weather, conditions of the landing areas, the presentation of special events, and closure required to protect the health, safety, and welfare of the public as may be determined by the Director or designees. (Ord. 2000-2S § 2 (part), 2000)

5.40.050 Search and Rescue Operations.

Approval for all search and rescue exercises or actual operations shall be obtained in advance from the Airport Manager. Such activities shall be subject to Federal Aviation Administration, Washington State Department of Transportation, and Pierce County regulation. (Ord. 2000-2S § 2 (part), 2000)

5.40.060 Commercial Operations – Minimum Standards.

- A. **Business Activities.** Subject to applicable orders, certificates, or permits of the Federal Aviation Administration, or its successors, no person shall use Thun Field or any portion thereof, or any of its improvements or facilities for revenue-producing commercial business or aeronautical activities or conduct flying clubs, who has not first complied with this Chapter and AR&R, and obtained the consent and all appropriate permit and licenses for such activities from Pierce County, and all other applicable agencies, and entered into such written leases and other agreements prescribed by this Chapter and agreed upon by the Tenant. Applications shall be approved by the Executive and submitted to the Pierce County Council for approval when required by law or County Charter.
- B. **Application.**
 - 1. Application for leases of ground and/or facilities on Thun Field, or for permission to carry on any commercial business or aeronautical activity on Thun Field, with the necessary permits and licenses, shall be made to the Director, on the appropriate forms provided. The Director shall present the application to the Executive in a timely manner. The Executive may, if deemed advisable, hold an ad hoc advisory hearing upon the application. The applicant shall submit all information and material necessary, or as requested by the Director to establish to Pierce County's satisfaction that the applicant will qualify and will comply with this Chapter. The application shall be signed and submitted by every party owning an interest in the business, those who will be managing the business, a general partner of a partnership, and in the case of a corporation, shall be accompanied by a current resolution of the board of directors authorizing and directing the corporation's agent to submit such an application.

2. **Minimum Application Information.** Pierce County will not accept or take action on a request to lease building space or land area or in any way permit the installation of a commercial activity until after the applicant submits a written proposal, which sets forth the scope of operation proposed, including the following:
 - a. The amount of land the applicant desires to lease.
 - b. The building space to be constructed or leased.
 - c. The services to be offered.
 - d. The hours of proposed operation.
 - e. The number of persons to be employed.
 - f. The number of aircraft to be based at Thun Field.
 - g. Certificate of insurance or other satisfactory evidence indicating the ability to obtain coverages as required.
 - h. Evidence of financial capability to perform and provide the above services and facilities for a minimum of one year. Pierce County shall be the sole judge of what constitutes adequate financial capability, and if inadequate financial capability is found, Pierce County shall explain that finding to the applicant.
- C. **Action on Application.** Pierce County may deny any application if, in its sole opinion, it finds any one or more of the following:
 1. **Not Qualified.** The applicant for any reason does not meet the qualifications, standards, and requirements established by this Chapter.
 2. **Safety Hazard.** The applicant's proposed operations or construction will create a safety hazard on Thun Field.
 3. **County Expenditure.** Granting of the application will require Pierce County to spend funds or to supply labor or materials in connection with the proposed operations, to an extent or at a time when Pierce County is unwilling to enter into such arrangement, or the operation will result in a financial loss to Pierce County.
 4. **Availability.** There is no appropriate, adequate, or available space or building on Thun Field to accommodate the entire activity of the applicant at the time of the application.
 5. **Non-Compliance With Master Plan.** The proposed operation or airport development or construction is inconsistent with the Master Plan for Thun Field.
 6. **Congestion.** The development or use of the area requested by the applicant will result in depriving existing Tenants portions of the area in which they are operating; or will result in a congestion of aircraft or buildings; or will result in unduly interfering with the operations of any existing Tenants on Thun Field through problems in connection with aircraft traffic or service, or preventing free access to a Tenant's area or to the operation of Thun Field.
 7. **Misrepresentation.** Any applicant that has supplied Pierce County with any false information or has misrepresented any material fact in the application or supporting documents.
 8. **History of Violations.** Any applicant that has a record of violating the AR&R, or the rules and regulations of any other airport, Federal Aviation Regulations, or any other rules and regulations applicable to Thun Field.
 9. **Defaulted Performance.** Any applicant that has defaulted in the performance of any lease or other agreement with Pierce County.

10. **Poor Credit Report.** Any applicant that has a credit report which contains derogatory information and does not appear to be a person of satisfactory business responsibility and reputation.
11. **Undesirable Reputation.** Any applicant that has been convicted of any crime or violation of any ordinance of such a nature that it indicates to Pierce County that the applicant would not be a desirable operator on Thun Field.
12. **Other Considerations.** The protection of the health, welfare, safety, or morals of the inhabitants of Pierce County require such denial.

Pierce County shall not discriminate, nor allow its agents or employees to discriminate against any applicant by reason of the applicant's race, color, creed, or national origin in processing the application request in any manner prohibited by Part 15 of the Federal Aviation Administration Regulations, or in any manner prohibited by Title VI of the Civil rights Act of 1964.

Nothing contained herein shall be construed to prohibit Pierce County from granting or denying, for any reason deemed sufficient, an application to do business on Thun Field for the purpose of selling, furnishing, or establishing non-aviation products and supplies or any service or business of a non-aeronautical nature, or the application by a person for an area on Thun Field for the personal non-profit use of such person.

- D. **Supporting Documents.** If requested by Pierce County, the applicant shall submit the following supporting documents, together with other documents and information as may be required by Pierce County:
1. **Financial Statement.** A current financial statement prepared or certified by a certified public accountant.
 2. **Assets.** A written listing of the assets owned or being purchased which will be used in the business on Thun Field.
 3. **Credit Report.** A current credit report covering all areas in which the applicant has done business during the past ten years.
 4. **Authorization for Release of Information.** A written authorization for the Federal Aviation Administration and all states in which the applicant has engaged in aviation business to supply Pierce County with all information in their files relating to the applicant or his operation. The applicant shall execute such forms, releases, and discharges as may be requested by any of these agencies.

(Ord. 2000-2S § 2 (part), 2000)

5.40.070 Leasing Information.

A. **General.**

1. Leases shall be awarded in the manner provided in Title 2 PCC, Administration.
2. Tenants at Thun Field, by virtue of such tenancy, shall be legally obligated to the following provisions unless explicitly provided otherwise in a written lease agreement approved and signed by Pierce County:
 - a. Tenant shall agree to operate the premises leased for the use and benefit of the public.
 - b. Tenant shall agree to furnish good, prompt, and efficient services adequate to meet all the demands for its service at Thun Field.
 - c. Tenant shall agree to furnish said services on a fair, equal, and nondiscriminatory basis to all users thereof.

- d. Tenant shall agree to charge fair, reasonable, and non-discriminatory prices for each unit of sale or service, provided that the Tenant may be allowed to make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- e. Tenant shall agree to not discriminate, and to not allow its agents and employees to discriminate against any person or class of persons by reason of race, color, creed, or national origin in providing any services or in the use of any of its facilities provided for the public, in any manner prohibited by Part 15 of the Federal Aviation Administration Regulations, or in any manner prohibited by Title VI of the Civil Rights Act of 1964.
- f. Tenant shall agree to comply with such enforcement procedures as the United States might demand that Pierce County take in order to comply with Pierce County's assurances to the United States.
- g. Tenant shall agree that no right or privilege has been granted which would prevent any person, firm, or corporation operating aircraft on Thun Field from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.
- h. Tenant shall agree that no provision of the lease shall be construed as granting or authorizing the granting of an exclusive right within the meaning of Section 308 of the Federal Aviation Act.
- i. Pierce County shall reserve the right to further develop or improve the aviation facilities of Thun Field as it sees fit, regardless of the desires or view of Tenant, and without interference or hindrance.
- j. Pierce County shall reserve the right, but shall not be obligated to Tenant, to maintain and keep in repair, the landing area of Thun Field and all publicly owned facilities of Thun Field together with the right to direct and control all activities of Tenant in this regard.
- k. Tenant shall agree that during time of the war or national emergency, Pierce County shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and, if such lease is executed, the provisions of the lease agreement with Tenant insofar as they are inconsistent with the provisions of the lease to the Government, shall be suspended.
- l. Pierce County shall reserve the right to take any action it considers necessary to protect the aerial approaches to Thun Field against obstruction, together with the right to prevent Tenant from erecting, or permitting to be erected, any building or other structure on or adjacent to Thun Field, which in the sole opinion of Pierce County, would limit the usefulness of Thun Field or constitute a hazard to aircraft.
- m. Tenant shall agree that the lease shall be subordinate to the provisions of any existing or future agreement between Pierce County and the United States, relative to the operation or maintenance of Thun Field, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of Thun Field.
- n. Tenant shall agree to abide by the AR&R, and that the AR&R, and any future revision thereto, shall be a part of the lease.

- o. Tenant shall agree that Pierce County retains the right of public flight for the passage of aircraft in the airspace above all the surface of Thun Field, together with the right to cause in said airspace, such noise as may be inherent in the operation of aircraft now known or hereafter used for flight.
- p. Tenant shall agree to not erect, or allow to be erected, any structure, improvements, or growth in violation of Federal Aviation Administration Federal Air Regulations, Part 77, or Pierce County building, fire, mechanical, plumbing, and health codes.
- q. Tenant shall agree to prevent any use of the leased premises which would interfere with landing or taking off of aircraft at Thun Field, or which would create any interfering or confusing light or cause any restrictions to visibility at Thun Field, or would otherwise constitute an airport hazard.
- r. Tenant shall agree to "hold Pierce County harmless" as required by the Pierce County Risk Management Department.
- s. All commercial lease agreements shall be for a maximum of ten years, with options to renew as agreed upon, except that longer terms will be authorized when new construction by Tenant is to be amortized.
- t. All hangar and tie down leases shall be month-to-month tenancies.
- u. All Tenant personnel required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings current and in good standing.
- v. Tenant shall be responsible for strict compliance with all State and Federal Laws pertaining to employees, including but not limited to, Social Security, Unemployment Compensation, and Wage and Hours.
- w. No right, privilege, permit, or license to do business on Thun Field, or any lease of any area of Thun Field shall be assigned, sold, or otherwise transferred or conveyed in whole or in part without the prior written consent of Pierce County. Such consent shall not be unreasonably withheld.
- x. There shall be four types of lease agreements utilized at Thun Field, as follows: Aircraft Tiedown Lease Agreement; and Aircraft Hangar Lease Agreement; and Commercial Premises Lease Agreement; and Land Lease Agreement. The purposes of the lease agreements are set forth in the forms of the lease agreements on file in the office of the Director. The forms of the lease agreements shall be for guidance only and shall be modified as deemed necessary by Pierce County to accommodate the unique circumstances of a particular lease agreement.
- y. All lease agreements shall require that Pierce County be compensated at fair market value for the premises leased. The method and form of such compensation shall be determined by the Executive as long as the compensation is adjusted to monthly payments at fair market value by the end of the first term of the lease agreement.
- z. All leases shall be reviewed and compensation for the premises leased shall be adjusted to current fair market value upon such review. Such review and resolution of disagreements to adjustments shall be in accordance with RCW 14.08.120.

- aa. In addition to the monthly rental amount and leasehold excise tax set forth in individual leases, all Tenants shall pay a pro-rata share of all governmental fees and/or taxes imposed on Thun Field. The pro-rata amount shall be calculated by Pierce County based on the nature of the imposed fee.
- bb. Tenant shall be responsible for payment of fire benefit charges and all utility charges incurred against the property being leased, including but not limited to power, surface water management fees, sanitary sewer, water, and natural gas.

B. Regulations Adopted. All rules and regulations authorized by Section 14.08.122 of the Revised Code of Washington are hereby adopted and incorporated herein by reference. (Ord. 2007-77 § 1, 2007; Ord. 2000-2S § 2 (part), 2000)

5.40.080 Concession Agreements.

The Executive shall approve concession agreements with private persons to provide aeronautical services to the public when the Executive deems concession agreements to be in the best interests of Pierce County.

Prior to entering into a concession agreement, there shall be advertisements of a request for proposals in the same manner as a request for bids for construction of public works.

Prior to award of the concession agreement, there shall be written comparative evaluations of proposals received based on written standards and method of selection sent to those who request plans and/or specifications for the concession.

Award of a concession agreement shall be based on the written evaluations of the proposals received, and although the least dollar cost, or greatest financial benefit to Pierce County, shall weigh heavily in the award of a concession agreement, award of a concession agreement shall be to the person whose proposal promises to provide the best overall services to the public. (Ord. 2000-2S § 2 (part), 2000)

5.40.090 Airport Rules and Regulations.

Airport Rules and Regulations as set forth in Exhibit "B" of Ordinance No. 2000-2S are hereby adopted as part of this Chapter. (Ord. 2000-2S § 2 (part), 2000)

5.40.100 Operators to Keep Rules Available.

All persons licensed, or otherwise allowed, to do business or conduct operations of any kind of Thun Field shall obtain and keep a current copy of the AR&R in their office or place of business conspicuously available for public inspection. Copies of the AR&R may be obtained for the airport manager at the cost to Pierce County for providing them. (Ord. 2000-2S § 2 (part), 2000)

Chapter 5.42

OUTDOOR PUBLIC MUSIC FESTIVALS

Sections:

- 5.42.010 Permit Required – When.**
- 5.42.020 Permit Required – Regulations.**
- 5.42.030 Submission of Plans for Approval – Approving Agencies.**
- 5.42.040 Bond, Bond Indemnity, and Insurance.**
- 5.42.050 Posting.**
- 5.42.060 Applicant to be Eighteen.**
- 5.42.070 Revocation of Permit – Statement of Right.**
- 5.42.080 Grounds for Revocation.**
- 5.42.090 Revocation Not Exclusive Penalty.**
- 5.42.100 Closing Hours.**
- 5.42.110 Fire Prevention and Emergency Standards.**
- 5.42.120 Sanitary Facilities.**
- 5.42.130 Intoxicating Liquor Prohibited.**
- 5.42.140 Duty of Preserving Order Placed on Operator.**
- 5.42.150 Public Safety.**
- 5.42.160 Parking Facilities.**
- 5.42.170 Construction of Building.**
- 5.42.180 Distance from Habitation.**
- 5.42.190 Posting Permit – Nontransferable.**
- 5.42.200 Permit – Application.**
- 5.42.210 Investigation of Applicant and Compliance With Rules and Regulations.**
- 5.42.220 Enforcement – Inspection.**
- 5.42.230 Penalties.**
- 5.42.240 Compliance.**
- 5.42.250 Severability.**
- 5.42.260 Appeal.**

Cross-reference: Chapter 70.108 RCW

5.42.010 Permit Required – When.

- A. It is unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit, cause to be advertised or participate in an outdoor music festival, unless a valid County permit has been obtained from the Pierce County Auditor for the operation of said outdoor music festival. One such permit is required for each outdoor music festival. Criminal and/or civil liabilities for failure to comply with the provisions of this Chapter shall rest with all persons, corporations, organizations, landowners or lessors who fail to comply with the rules, regulations, or conditions contained herein.
- B. Definitions. As used in this Chapter, unless a different meaning is required by the context:

1. "Outdoor music festival" means any outdoor entertainment, amusement and/or assembly, which attracts, or it is reasonably anticipated will attract, one thousand or more persons, in which the presentation of outdoor, live or recorded musical entertainment is or is anticipated to be a major activity; provided, that this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, area, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held; provided, further, that this definition shall not apply to government sponsored fairs held on regularly established fairgrounds.
2. "Participate" means to knowingly provide or deliver to an outdoor music festival that is operating or proposes to operate without a valid County permit, advertisement, site preparation, supplies, materials, food, beverages, sound equipment, musical instruments, generators, or musical entertainment, and/or to knowingly attend the outdoor music festival; provided that, this definition shall not apply to commissioned peace officers and other law enforcement personnel as designated by the Pierce County Sheriff, public health officers, fire control officers, and officers and members of governmental or quasi-governmental bodies concerned with public health, safety and law enforcement.

(Res. 18860 § 1, 1976; Res. 13780 § 2, 1969; prior Code § 50.32.010)

5.42.020 Permit Required – Regulations.

No outdoor music festival may be held in Pierce County outside the limits of incorporated cities and towns unless the person, persons, corporation or organization sponsoring said outdoor music festival shall first obtain a permit as provided in this Chapter, and shall comply with all regulations herein provided.

County governmental agencies or officials requested by an applicant to give approval as required by this Chapter may, within 15 days after the applicant has filed his application, apply to the Auditor for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred, the Auditor shall reimburse the local governmental agency or official from the funds of the permit fee. The Auditor shall return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

No license shall be available for an event of more than one day's duration. No license shall be issued for consecutive days to the same sponsors for the same event on the same premises. (Ord. 2003-119s2 § 2 (part), 2003; Res. 18860 § 2, 1976; Res. 13780 § 3, 1969; prior Code § 50.32.020)

5.42.030 Submission of Plans for Approval – Approving Agencies.

Whenever approval by a County governmental agency other than the Pierce County Auditor is required hereunder, application for such approval shall be made ten or more days prior to making final application for the outdoor music festival permit. When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence 15 or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments at their convenience. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn. This Chapter shall not alter the requirements of the Pierce County Code for licensing or prohibition of other activities which might occur during such a festival.

Subsequent to the filing of an application, the Auditor shall, without unreasonable delay, grant or deny the application, and notice of approval or denial shall be served personally or by certified mail on the applicant. A notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the specific nature of the noncompliance by the applicant therewith. Within five days, or such other specific number of days as the Auditor may designate, after service of notice, the applicant shall remedy such noncompliance and file with the Auditor proof thereof determined to be satisfactory by the Auditor, and upon failure of the applicant so to do, such denial shall be final and conclusive.

Subsequent to the filing of proof of corrections by an applicant, the Auditor shall, without unreasonable delay, grant or deny the application, and notice of approval or denial shall be served personally or by certified mail on the applicant. A notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the specific nature of the noncompliance by the applicant therewith. Such a denial shall be final and conclusive. No permit shall be issued thereafter to the applicant unless a new application is made, and the applicant otherwise complies with the rules, regulations and conditions of this Chapter. (Res. 18860 § 3, 1976; Res. 13780 § 4, 1969; prior Code § 50.32.030)

5.42.040 Bond, Bond Indemnity and Insurance.

No permit shall be issued hereunder until the applicant has on deposit with the Pierce County Assessor-Treasurer, the sum of \$5,000.00 cash or bond for every 1,000 persons who, it is reasonably anticipated, will attend the outdoor music festival as determined by the Pierce County Auditor. Said amount of cash or bond shall serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the County from any and all damage that may be caused by vehicles, employees or participants in such event and to be used, if necessary, to restore the grounds where such outdoor music festival is held to a sanitary condition and pay all charges and losses to the County for damages to the streets, pavements, bridges, other property; provided, further, that should the licensed event necessitate any County personnel for traffic control, police control, security and sanitary control as determined by the Pierce County Sheriff and the Pierce County Council, then such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance shall be refunded to the licensee when the Pierce County Auditor certifies to the Assessor-Treasurer that no damage has been done or that the County did not incur additional expenses due to said licensed event or that the cost of the above stated contingencies has been paid by the licensee.

The applicant at least ten days prior to said event shall furnish evidence of a liability insurance policy providing for a minimum of \$100,000.00 bodily injury coverage per person; \$300,000.00 bodily injury coverage per occurrence; \$100,000.00 property damage coverage; and naming Pierce County as an additional insured; provided, that said insured amounts shall double if it is anticipated that 5,000 to 9,999 persons will attend said event, and shall increase by the same increment for every 5,000 additional persons anticipated to attend such event. The County Auditor shall provide an estimate of anticipated attendees for establishing said insurance amounts.

(Res. 18860 § 4, 1976; Res. 13780 § 5, 1969; prior Code § 50.32.040)

5.42.050 Posting.

Sections 5.42.060-5.42.240 shall be in full force and effect and shall at all times be kept posted in a conspicuous place where outdoor music festivals are being conducted. (Res. 18860 § 5, 1976; Res. 13780 § 6, 1969; prior Code § 50.32.050)

5.42.060 Applicant to be Eighteen.

No permit shall be issued to any person under 18 years of age. (Res. 18860 § 6, 1976; Res. 13780 § 7, 1969; prior Code § 50.32.060)

5.42.070 Revocation of Permit – Statement of Right.

Every permit issued under the provisions of this Chapter shall state in substance that such permit is issued as a police, sanitary and fire requisition measure, and that the right of the Auditor to revoke such permit is a consideration of its issuance. (Res. 18860 § 7, 1976; Res. 13780 § 8, 1969; prior Code § 50.32.070)

5.42.080 Grounds for Revocation.

Any permit granted herein to conduct an outdoor music festival shall be summarily revoked by the Auditor when it finds that by reason of disaster, public calamity or other emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation. Any permit granted herein to conduct an outdoor music festival may otherwise be revoked by the Auditor for any violation of this Chapter or the laws of the State of Washington after a hearing held upon not less than three days notice served upon the applicant personally or by certified mail. The action of the Auditor in revoking any permit herein shall be final and conclusive. (Res. 18860 § 8, 1976; Res. 13780 § 9, 1969; prior Code § 50.32.080)

5.42.090 Revocation Not Exclusive Penalty.

The revocation of any permit granted under the provisions of this Chapter shall not preclude the imposition of further penalties as provided for in this Chapter and the State law, but shall be considered merely as a part of the said penalties imposed for violation of the rules and regulations provided for herein and in the State law of Washington. (Res. 13780 § 10, 1969; prior Code § 50.32.090)

5.42.100 Closing Hours.

All outdoor music festivals shall not be open to the public before the hour of 10 a.m. and shall not remain open to the public after 12 midnight of the same day. (Res. 18860 § 9, 1976; Res. 13780 § 11, 1969; prior Code § 50.32.100)

5.42.110 Fire Prevention and Emergency Standards.

No permit shall be granted herein unless the application is accompanied by the written approval of the chief of the fire protection district in which the proposed outdoor music festival is to be located, indicating that the applicant has complied with the applicable fire prevention requirements of the Pierce County Code; further written approval of the County Fire Marshal is required indicating that reasonable access will be available at all times during the operation of the outdoor music festival for transporting fire and emergency equipment to the outdoor music festival site, and to other persons and properties in the vicinity of the proposed outdoor music festival. (Res. 18860 § 10, 1976; Res. 13780 § 12, 1969; prior Code § 50.32.110)

5.42.120 Sanitary Facilities.

No permit for an outdoor music festival shall be granted unless the application is accompanied by the written approval of the Tacoma-Pierce County Health Department indicating that the applicants for said permit have complied with the health requirements of said department for like or similar facilities. Said approval shall indicate the type of water supply to be provided,

the type of toilet and washing facilities to be provided, provisions made for refuse storage and disposal and if there is to be food served on the premises, the type of food preparation and food service facilities to be provided. (Res. 18860 § 11, 1976; Res. 13780 § 13, 1969; prior Code § 50.32.120)

5.42.130 Intoxicating Liquor Prohibited.

No firm, person, society, association or corporation conducting an outdoor music festival, nor any person having charge or control thereof at any time when an outdoor music festival is being conducted shall permit any person to bring into said outdoor music festival, or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor. (Res. 18860 § 12, 1976; Res. 13780 § 14, 1969; prior Code § 50.32.130)

5.42.140 Duty of Preserving Order Placed on Operator.

It is the intention to put the burden of preserving order upon the operator of the outdoor music festival, and if any outdoor music festival in Pierce County is not being operated in accordance with the rules and regulations prescribed in this Chapter and set forth in the State law, the permittee shall be subject to revocation of his permit, and the permittee or other individual responsible subject to such other punishment as the law and this Chapter provide. (Res. 18860 § 13, 1976; Res. 13780 § 15, 1969; prior Code § 50.32.140)

5.42.150 Public Safety.

No permit shall be granted hereunder unless the application is accompanied by the written approval of the Sheriff of Pierce County indicating that the following conditions have been complied with by the applicant. That adequate traffic control and crowd protection policing have been contracted for by the applicant. Traffic control and crowd control personnel shall be commissioned peace officers, licensed merchant patrolmen or named persons meeting the Pierce County Sheriff's requirements for becoming merchant patrolmen. One such person shall be provided for each 200 persons reasonably expected to be in attendance at any time during the event for the purpose of crowd control, and one such person shall be provided for the purpose of traffic control for every 400 persons reasonably expected to be in attendance; provided, that no less than 20 percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: provided further, that any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he is a member for the time he is so employed or for any injuries received during the course of such employment. It shall be the duty of policing personnel other than commissioned police officers or deputy sheriffs to report any violations of the law to the Pierce County Sheriff or his deputies. (Res. 18860 § 14, 1976; Res. 13780 § 16, 1969; prior Code § 50.32.150)

5.42.160 Parking Facilities.

Application for a permit under this Chapter shall be accompanied by a scale drawing showing adequate parking facilities having been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend said event. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any

vehicle at any time to or from the parking area. No permit shall be granted unless the application is accompanied by written approval of the Pierce County Public Works Director indicating compliance with these requirements. Provided, that should buses be used to transport the public to said event, it shall be shown that public parking or parking as described above is available at any site from which buses are scheduled to pick up persons to transport them to said event. (Res. 18860 § 15, 1976; Res. 13780 § 17, 1969; prior Code § 50.32.160)

5.42.170 Construction of Building.

If said outdoor music festival is held within a permanent building or structure, such must be of fireproof construction when over one story in height. All buildings to which the public is admitted must have a sufficient number of exits to permit a safe evacuation of all persons therein. All exit doors in buildings of a permanent nature must be equipped with crash hardware. All canvas used in any tent or as a part of any structure must be so treated as to be fire resistant at the time the same is in use. All highly inflammable or explosive liquids or materials are to be kept in a well ventilated location and adequate fire fighting equipment must be maintained in the immediate area. (Res. 18860 § 16, 1976; Res. 13780 § 18; prior Code § 50.32.170)

5.42.180 Distance from Habitation.

No outdoor music festival shall be operated in a location which is closer than 500 yards from any schoolhouse, church, house, residence or other place of permanent human habitation. (Res. 18860 § 17, 1976; Res. 13780 § 19, 1969; prior Code § 50.32.180)

5.42.190 Posting Permit – Nontransferable.

Any permit issued as provided in this Chapter shall be kept posted in a conspicuous place and no such permit shall be transferable or assignable without the consent of the Auditor. (Res. 18860 § 18, 1976; Res. 13780 § 20, 1969; prior Code § 50.32.190)

5.42.200 Permit – Application.

Application for outdoor music festival permits herein shall be in writing to the Auditor and filed with the Pierce County Auditor. The application shall be filed not less than 30 days prior to the first day upon which such outdoor music festival is to be held and shall be accompanied by a deposit of the fee herein required. The application shall include:

- A. The name of the person, persons, partnership, corporation, association, society, fraternal or social organization on whose behalf the application is made (herein referred to as the "applicant"), and a statement by the applicant that the person filing the application on behalf of the named applicant is authorized so to file;
- B. The type of business organization of the applicant;
- C. The names and addresses of all persons having a 10 percent or more proprietary interest in the organization, and the names, addresses and telephone numbers of any and all officers of the organization;
- D. A current financial statement of the applicant;
- E. The principal place of business of the organization;
- F. A schedule of any programs or performances inclusive of a description of the nature and character thereof;
- G. A legal description of the land to be occupied, the address of the owner thereof, and a verified consent by said owner to the issuance of a permit herein if said owner be different than the applicant;
- H. The date of the day such outdoor music festival is proposed to be held;

- I. A statement that the applicant will abide by the provisions of this Chapter and the laws of the State of Washington for the protection of the public peace, health, safety and welfare;
- J. The signature of the person so authorized to sign on behalf of the named applicant; and
- K. If the applicant is a corporation, then a copy of the corporate resolution authorizing the filing by the applicant;
- L. The verification by such signer of the truth of the matters contained in such application under the pains and penalties of perjury.

(Res. 18860 § 19, 1976; Res. 13780 § 21, 1969; prior Code § 50.32.200)

5.42.210 Investigation of Applicant and Compliance With Rules and Regulations.

No application for an outdoor music festival permit shall be issued until the Pierce County Sheriff shall have fingerprinted, investigated and reported to the Auditor as to the character and reputation of the applicant or applicants, and his or their fitness to conduct such business; and whether the location or place to be used as a site for an outdoor music festival conforms to all rules and regulations of this Chapter and the State law, particularly in regard to fire, health, ventilation, lighting, sanitary conditions, and toilet conveniences.

Every application shall be accompanied by the fingerprints and a 3-inch by 5-inch photograph of each and every person having any proprietary interest of 10 percent or more in said licensed activity. The Auditor shall be empowered to obtain adequate photographs of all persons having any such proprietary interest.

(Res. 18860 § 20, 1976; Res. 13780 § 22, 1969; prior Code § 50.32.210)

5.42.220 Enforcement – Inspection.

The Sheriff or any peace officer is hereby authorized and directed to see that all provisions of the State law and these rules and regulations are enforced, and that all grounds and any building, room or other structure wherein any permittee hereunder conducts his business shall at all times be open to inspection by the Sheriff, his deputies, or any peace officer. Furthermore, no application shall be granted hereunder unless the applicant shall in writing upon the application for such permit, consent to allow the law enforcement and public health and fire control officers of Pierce County to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions under which the permit is granted. (Res. 13780 § 23, 1969; prior Code § 50.32.220)

5.42.230 Penalties.

Any person who violates or fails to comply with any provision of this Chapter or who counsels, aids or abets such a violation or failure to comply is guilty of a misdemeanor and shall upon conviction thereof, be fined in the sum of not less than \$50.00 nor more than \$300.00 or imprisoned in the Pierce County Jail for not more than 90 days or both. Such violation if committed by the permittee or those persons working in his behalf shall work an automatic forfeiture of at least \$500.00 of the bond provided for in Section 5.42.040. (Res. 13780 § 24, 1969; prior Code § 50.32.230)

5.42.240 Compliance.

Compliance with the terms and conditions of this Chapter constitutes minimum health, sanitation and safety provisions, and failure to comply with the terms and conditions constitutes a public nuisance and is subject to all criminal, civil and equitable remedies as such. (Res. 13780 § 25, 1969; prior Code § 50.32.240)

5.42.250 Severability.

If any of the provisions of this Chapter, or its application to any person or circumstance is held invalid, the remainder of the Chapter, or the application of the provisions to other persons or circumstances is not affected. (Res. 18860 § 21, 1976; prior Code § 50.32.250)

5.42.260 Appeal.

The applicant may appeal any final and conclusive decision of the Auditor to the Superior Court of Pierce County for review. (Res. 18860 § 22, 1976; prior Code § 50.32.260)

Chapter 5.44

BONDSMEN

Sections:

- 5.44.010 Definition.**
- 5.44.020 License Required – Investigation by Sheriff.**
- 5.44.030 Exclusions From License Requirements.**
- 5.44.040 Requirements for Issuance of License.**
- 5.44.050 Persons Not Qualified for Issuance of License.**
- 5.44.060 Bond Records and Filing Requirements.**
- 5.44.070 Surety Bond Required.**
- 5.44.090 Requirements for Conducting Business.**
- 5.44.100 Bond Records to be Kept and Filed.**
- 5.44.110 Suspension or Revocation of License.**

5.44.010 Definition.

The term "engaging in the business of bondsman" shall be construed to mean any person, firm or corporation who shall solicit, procure or furnish, or as surety shall execute appearance or appeal property bonds for persons charged with the violation of any law, ordinance or court order in any District or Superior Court of the State of Washington, or who shall post bail for any such person, and for which service a compensation is charged irrespective to whom such compensation is paid. (Res. 18834 § 1 (part), 1976; prior Code § 50.40.010)

5.44.020 License Required – Investigation by Sheriff.

It shall be unlawful to engage in the business of bondsman in any District or Superior Court in Pierce County without having first obtained a license pursuant to the provisions of this Chapter.

- A. The license, when issued, shall be valid for one year and shall be subject to renewal upon making reapplication and payment of the annual license fee.
- B. No license shall be issued until the Sheriff has conducted an investigation and made a recommendation as to approval or disapproval of the application.

(Res. 18834 § 1 (part), 1976; prior Code § 50.40.020)

5.44.030 Exclusions From License Requirements.

Any person executing an appearance or appeal bond or a person in his immediate family, or in his employment, or for a friend as a personal favor, or by an attorney for a client, without receiving any consideration therefor, shall not be required to be licensed as a bondsman. (Res. 18834 § 1 (part), 1976; prior Code § 50.40.030)

5.44.040 Requirements for Issuance of License.

In addition to the general requirement of this Chapter, every application for a license provided for in this Section shall contain the following:

- A. A full and complete schedule or inventory describing all real and personal assets or property owned by the applicant, such schedule to clearly indicate the appraised market valuation of each piece of property, the amount and nature of any liens on such property, and receipts showing payment of all taxes due;
- B. A true and correct list of all outstanding bonds, in the courts of this state and their current status, upon which the applicant may be surety, including name of defendant, amount, number and date, together with a list of all judgments, if any, rendered against the applicant in any court prior to the date application is made;
- C. If the application for bondsman is made on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid-in capital, the names and addresses of all officers and directors, and the names and addresses of the controlling stockholders (those owning 20 percent or more of the capital stock), and evidence that all corporation license fees due the State of Washington have been paid.

(Res. 18834 § 1 (part), 1976; prior Code § 50.40.040)

5.44.050 Persons Not Qualified for Issuance of License.

In addition to the general qualifications of applicants for licenses set forth in this Chapter, no license to engage in the business of bondsman shall be issued to:

- A. a person, firm or corporation who has been the holder of a license as bondsman which has been revoked within a period of two years prior to the date of application;
- B. an employee of any city, county, state or federal governmental agency;
- C. attorney at law, sheriff, clerk of any court of record, or other officer of such court;
- D. nonresident of the State of Washington.

(Res. 19017 § 1, 1976; Res. 18834 § 1 (part), 1976; prior Code § 50.40.050)

5.44.060 Bond Records and Filing Requirements.

It shall be unlawful for any bondsman as herein defined to employ or hire or use any person including any law enforcement personnel to act or serve as a solicitor or runner for the procurement of clients or customers; provided, however, said bondsman may employ persons to assist him in the operation of his business including the posting or executing of the bonds in the name of the bondsman upon the condition that such person shall first obtain the permit and pay a license fee in the amount of \$100.00 per year. (Ord. 81-73 § 1 (part), 1982; Res. 18834 § 1 (part), 1976; prior Code § 50.40.060)

5.44.070 Surety Bond Required.

At the time any application for license to engage in the business of bondsman is made to the Pierce County Auditor, the applicant for such license shall present therewith a surety bond running to the State of Washington and the County of Pierce in the sum of \$25,000.00, executed by corporate surety qualified to transact business in the State of Washington. Such bond shall be subject to approval as to form by the Prosecuting Attorney and the Pierce County Auditor as to sufficiency. Such bond shall be conditioned that the licensee shall pay to the Clerk all sums due on all forfeitures of any bail bonds written by or obtained or procured by or through or posted by said licensee for violation of County ordinances or State statutes; provided, however, that the aggregate liability of the surety on such bond shall in no event exceed the sum of \$25,000.00, and shall not be subject to successive recoveries in excess of the amount hereof.

In lieu of said surety bond the applicant may at the time he presents his application deposit with the County Clerk cash or negotiable securities approved by the Pierce County Auditor in the sum of \$25,000.00, or deposit in an insured savings account requiring the signature of the Pierce County Clerk to make any withdrawals of the principal amount with interest paid to depositor, such cash to be deposited in accordance with an agreement between the applicant and the State of Washington and the County of Pierce in which the deposit shall be conditioned in the same manner as such surety bond, and further providing for the deduction by the Pierce County Clerk of any and all amounts found to be due under the terms of such deposit agreement. In the event of the revocation of any bondsman's license, the expiration of such license or the withdrawal and surrender by the licensee of such license, the County Clerk is authorized to withhold any amount which in his discretion is necessary to cover any outstanding contingent liability of such bondsman existing at such time, such amount to be withheld until said contingencies are removed, and after deductions as aforesaid are made the County Clerk is authorized to cancel said deposit agreement and return the balance of the deposit to the licensee. (Res. 18834 § 1 (part), 1976; prior Code § 50.40.070)

5.44.090 Requirements for Conducting Business.

Each person licensed hereunder:

- A. Shall file an itemized schedule of fees and charges as compensation for services rendered, with copies thereof, with the clerk of any court in which he furnishes bond, and shall post copies in a conspicuous place in the bondsman's or the firm's place of business.
- B. Shall not personally or otherwise solicit business in, at or near any courtroom or corridor leading thereto, or any jail or any place in, at or near such jail, or any police or sheriff station.
- C. Shall furnish each person for whom a bond is executed an itemized receipt showing the character of the services rendered and a true itemized amount of the consideration paid or given for each item of service rendered. A copy thereof shall be retained in the file of the bondsman's office for inspection.
- D. Shall not recommend directly or indirectly any lawyer, including the bondsman's, to any client for whom a bond has been executed.
- E. Shall not directly or indirectly refer a bond client to any lawyer.
- F. Shall not directly or indirectly share or split any bond fee or charge, or part thereof, with any person or persons, except partners listed in accordance with Section 5.44.040, or with any other corporation.
- G. Shall not directly or indirectly pay or give or promise to pay or give to any person any compensation to secure or refer, or for securing or referring bond business or clients to or for said bondsman or any other bondsman.
- H. Shall not directly or indirectly influence or promise in any way to attempt to influence any court or any public official or any witness in any case.

(Res. 18834 § 1 (part), 1976; prior Code § 50.40.090)

5.44.100 Bond Records to be Kept and Filed.

Every bondsman shall keep a full, complete and accurate record of all bonds made, fees charged and received, bonds forfeited and judgments against the licensee, and one copy of such record shall be filed quarterly covering the preceding three-month period with the clerk of any court in which such bondsman conducts his business and one copy with the Pierce County Auditor.

The books and records of such licensee shall at all times be open to inspections by the judge or clerk of any court in which such bondsman furnishes bonds, and any legal officer, including County officials, of any division of the State or Federal Government.
(Res. 18834 § 1 (part), 1976; prior Code § 50.40.100)

5.44.110 Suspension or Revocation of License.

The Pierce County Council, after a hearing, shall have the right to revoke or suspend any license issued by virtue of this Chapter where the same was produced by fraud, false representation or information, for the failure to comply with any of the provisions of this Chapter, or for the conviction of the person or persons holding such license of a felony or a misdemeanor involving moral turpitude or an intent to defraud. (Res. 18834 § 1 (part), 1976; prior Code § 50.40.110)

Chapter 5.46

RENTAL AGENCIES

Sections:

- 5.46.010 Definitions.**
- 5.46.020 License Required; Investigation by Sheriff.**
- 5.46.030 Bond Required.**
- 5.46.050 Rental Listings.**
- 5.46.060 Prohibited Acts and Practices.**
- 5.46.070 Records and Reports.**
- 5.46.080 Premises Open to Inspection.**
- 5.46.090 Revocation of License.**
- 5.46.100 Penalties for Violation.**

5.46.010 Definitions.

The following words and terms, unless a different meaning clearly appears from the context, shall mean as follows:

- A. "Rental Agencies" means any individual, partnership, firm, corporation, company, society, association, or other group or organization, whether organized for profit or nonprofit, who for compensation collects, offers, and/or distributes information as to housing accommodation without substantially participating as an intermediary in negotiation of rents, terms, conditions, or other provisions of individual leases or rental agreements, or entering into rental agreements on behalf of or representing either the landlord or prospective tenant.
- B. "Housing Accommodation or Accommodations" includes any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land which is used, intended to be used, or arranged or designed to be used as or improved with, a residential structure for one or more human beings.
- C. "Landlord" means the owner of a housing accommodation or other persons authorized or empowered to rent such housing accommodation to others.
- D. "Customer" means any person contracting with the rental agency for the performance of such agency's services.

(Res. 19244 § 3 (part), 1976; prior Code § 50.50.010)

5.46.020 License Required; Investigation by Sheriff.

- A. No rental agency shall engage in business, solicit business or advertise in Pierce County without first obtaining a rental agency license.
- B. The license, when issued, shall be valid for one calendar year and shall be subject to renewal upon making reapplication and payment of the annual license fee.
- C. No license provided for in this Chapter shall be issued until the Sheriff has conducted an investigation and made a recommendation as to approval or disapproval of the application.

(Res. 19244 § 3 (part), 1976; prior Code § 50.50.020)

5.46.030 Bond Required.

The applicant for a rental agency license shall file a surety bond in the amount of \$2,500.00 with the Auditor at the time of applying for said license. The bond required herein shall be in favor of Pierce County and its residents, and conditioned to recover against the licensee, its servants, officers, agents and employees by reason of wrongful or illegal acts in the course of business. (Res. 19244 § 3 (part), 1976; prior Code § 50.50.030)

5.46.050 Rental Listings.

Every rental agency shall keep and make available to customers an accurate listing of all housing accommodations to which customers are or may be referred, which shall include at least the following information for each housing accommodation:

- A. The type of unit (e.g. single unit, duplex, triplex, fourplex, or multiplex).
- B. Whether the unit is furnished or unfurnished.
- C. The date when the unit will be available.
- D. The date when the housing accommodation was most recently entered on the agency's listing record.
- E. The date when the housing accommodation was last verified by the agency to be available for rent.
- F. The address of the housing accommodation.
- G. The name and telephone number of the landlord.
- H. The monthly rent required by the landlord.
- I. The amount and purpose of any damage, cleaning, rent, or other deposit or prepayment required by the landlord.
- J. The number and types of rooms.
- K. Whether a written lease is required, and, if so, the minimum term required by the landlord.
- L. Any restrictions imposed by the landlord, except those prohibited by Federal, State or local law.

(Res. 19244 § 3 (part), 1976; prior Code § 50.50.050)

5.46.060 Prohibited Acts and Practices.

It is unlawful for any rental agency or any agent or employee thereof to:

- A. List or advertise any housing accommodation or otherwise offer or provide information about any housing accommodation without the prior consent of the landlord. A record of said consent shall be maintained in the files of the rental agency and open to inspection by the Auditor, Sheriff's Office, and Prosecuting Attorney's Office.
- B. Refer any customer to, or list or submit for advertisement any housing accommodation, which is and has been unavailable for rent for the three days immediately preceding the date of the referral, listing or submission.
- C. Use any contract, or furnish any receipt to any customer or prospective customer, which does not disclose in accordance with the rules and regulations adopted by the Auditor, all material information regarding the services to be provided by the rental agency to said customer.

- D. Publish or cause to be published any advertisement for a particular housing accommodation without including the advertisement page, line, or other code number to which the particular housing accommodation can be easily located in the rental agency's listing records.

(Res. 19244 § 3 (part), 1976; prior Code § 50.50.060)

5.46.070 Records and Reports.

Any records, reports, and listings required to be kept in accordance with this Chapter shall be retained for two years after such record is made. (Res. 19244 § 3 (part), 1976; prior Code § 50.50.070)

5.46.080 Premises Open to Inspection.

The Auditor, Prosecuting Attorney, Sheriff and their deputies shall have the power, during regular business hours, to enter any premises where a rental agency business is conducted, or where a rental agency's records are located, and to inspect and copy any and all books, records, papers, or documents relating to the business of the rental agency. Any person who operates a rental agency in Pierce County, or who applies for a rental agency license shall be deemed to have given consent to such entry and inspection.

It is unlawful for any person to refuse to admit the Auditor to the premises of a rental agency or to refuse to make business books, records, papers or documents of the rental agency available for inspection by the Auditor, and any such refusal shall be grounds for the revocation or suspension of the license of such rental agency.

(Res. 19244 § 3 (part), 1976; prior Code § 50.50.080)

5.46.090 Revocation of License.

In addition to the penalties prescribed in Pierce County Code Chapter 5.02, the Hearing Examiner and/or Pierce County Council, after a hearing, shall have the right to revoke or suspend any license or licenses, issued by virtue of this Chapter for cause, or where the same were procured by fraud, false representation of facts, or for the violation of or failure to comply with any of the provisions of this Chapter, or the conviction of a person holding such license of a felony or misdemeanor involving moral turpitude. (Res. 19244 § 3 (part), 1976; prior Code § 50.50.090)

5.46.100 Penalties for Violation.

Any person who violates any of the terms or conditions of this Chapter shall be guilty of a misdemeanor, and on a conviction thereof shall be punished by a fine of not more than \$250.00, or by imprisonment in the County Jail for not more than 90 days. Each day a violation of this Chapter occurs shall constitute a separate offense, and be punishable as above described. (Res. 19244 § 3 (part), 1976; prior Code § 50.50.100)

Chapter 5.48

SEWAGE SYSTEM DESIGNERS LICENSE

Sections:

- 5.48.010 **Definitions.**
- 5.48.020 **Applicability.**
- 5.48.030 **License Required.**
- 5.48.040 **Application for License.**
- 5.48.060 **Registration of Engineers and Sanitarians.**
- 5.48.070 **Suspension of License.**
- 5.48.080 **Sewage System.**
- 5.48.090 **Warranty.**
- 5.48.100 **Procedures for Enforcement.**
- 5.48.110 **Severability.**

5.48.010 **Definitions.**

Unless clearly indicated otherwise, the following words and phrases in these rules and regulations shall mean as follows:

- A. **Alternative Sewage System Designer.** Any sewage system designer who designs or causes to be designed, systems utilizing alternative methods of on-site waste disposal including, but not limited to, mounds, aeration, composting, and any other systems which are approved, or might be approved, by the State of Washington.
- B. **Approved.** Approved in writing by the Director of Health.
- C. **Director of Health.** The Director of Health of the Tacoma-Pierce County Health Department or his authorized representative.
- D. **Health Department.** The Tacoma-Pierce County Health Department.
- E. **License.** A license as granted under these rules and regulations.
- F. **On-site Sewage Disposal System.** Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a public sewer system.
- G. **Person.** Any individual, corporation, company, association, society, firm, partnership, joint stock company, or any branch of state or local government.
- H. **Sewage System Designer.** Any person who, with or without reimbursement, does for others the testing of the depth of permeable soil and its percolative capacity, and/or designs an on-site sewage disposal system.

(Res. 22570 § 1 (part), 1980; prior Code § 50.60.010)

5.48.020 **Applicability.**

This Chapter shall apply to all persons, firms, or corporations who design on-site sewage disposal systems within the jurisdiction of Tacoma-Pierce County Health Department. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.020)

5.48.030 License Required.

- A. Sewage System Designer. It shall be unlawful for any person to act as a sewage system designer without possessing a valid sewage system designer's license unless that person is a Sanitary or Civil Engineer or Registered Sanitarian licensed by the State of Washington, in which case Section 5.48.060 shall apply.
 - B. Alternative Sewage System Designer. It shall be unlawful for any person to act as an alternative sewage system designer without an alternative sewage system designer's license unless that person is a Sanitary or Civil Engineer or Registered Sanitarian licensed by the State of Washington, in which case Section 5.48.060 shall apply.
- (Res. 22570 § 1 (part), 1980; prior Code § 50.60.030)

5.48.040 Application for License.

- A. Application for a sewage system designer's license or alternative sewage systems designer's license, shall be made on forms provided by the Health Department in accordance with Pierce County Code Section 5.02.030.
- B. The Health Department, in acting upon an application for a sewage system designer's license or an alternative sewage system designer's license shall inquire into each applicant's qualifications for engaging in sewage designer work in accordance with State and Health Department regulations.
- C. An applicant for a sewage system designer's license must satisfy the following requirements:
 - 1. Applicant must pass a written examination concerning public health problems involved in the disposal of sewage, necessary standards of design, construction, and installation. The written examination will also test the applicant's knowledge of soil conditions, drainage patterns, and ground water movement unique to Pierce County.
 - 2. Payment of examination fee as set forth in Chapter 5.04 PCC.
 - 3. The applicant must be currently registered as a General Contractor and have a bond as required by the State of Washington for general contractors.
 - 4. The applicant must annually maintain an acceptable continuing education program. The Health Department shall require that a minimum of ten education hours per year, with a one year carry-over, be secured to maintain an acceptable program. The Director of Health shall publish annually a list of acceptable courses. Unpublished courses and the number of educational hours are subject to approval by the Director of Health.
- D. An applicant for an alternative sewage system designer's license must satisfy the following requirements:
 - 1. Applicant must meet the requirements for a sewage system designer's license as set forth in Paragraph C.2. above.
 - 2. Applicant must hold a sewage system designer's license and engage in the business of sewage system design within Pierce County for a period of at least one year preceding the date of the application. This requirement shall become effective one year from the effective date of this Chapter.

3. Applicant must pass a written examination regarding public health problems involved in disposal of sewage, necessary standards of design, construction and installation of alternative methods of sewage disposal to include, but not be limited to, mounds, aeration, and composting. The written examination will also test the applicants' knowledge of soil conditions, drainage patterns, and ground water movement unique to Pierce County.
4. Payment of examination fee as set forth in Chapter 5.04 PCC.

(Ord. 2003-119s2 § 2 (part), 2003; Res. 22570 § 1 (part), 1980; prior Code § 50.60.040)

5.48.060 Registration of Engineers and Sanitarians.

Washington State Registered Civil and Sanitary Engineers and Registered Sanitarians may design on-site sewage disposal systems and alternative on-site sewage disposal systems without the licenses required by this Chapter provided that they:

- A. Register with the Tacoma-Pierce County Health Department and annually demonstrate that their State registration and any bonds required for that State registration are in good standing.
- B. Maintain an acceptable continuing education program. The Health Department shall require that a minimum of ten education hours per year, with a one year carry-over, be secured to maintain an acceptable program. The Director of Health shall periodically publish a list of acceptable courses. Unpublished courses and the number of educational hours are subject to approval by the Director of Health.

(Res. 22570 § 1 (part), 1980; prior Code § 50.60.060)

5.48.070 Suspension of License.

Any license issued pursuant to this Section may be suspended or revoked, in addition to and in accordance with Pierce County Code Section 5.02.090, for incompetency, negligence, misrepresentation, or the failure of the licensee to comply with the regulations of both the State of Washington and the Health Department. The Hearings Examiner shall have jurisdiction to hear an appeal from any person, firm, corporation, partnership, or association which has been subject to disciplinary action by the health officer pursuant to his authority over septic tank designers. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.070)

5.48.080 Sewage System.

The Director of Health shall develop sewage system design policies and procedures which are in conformance with State and local regulations. All standards established by the Director of Health shall be adhered to. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.080)

5.48.090 Warranty.

As a condition of engaging in the business of designing on-site sewage disposal systems, the sewage system designer and the alternative sewage system designer shall warrant the design and certify that the installed system meets the design specifications he has required so that each on-site sewage disposal system is adequate to serve its intended purpose for a period of not less than one year from its initial occupancy. For the purpose of this provision, the intended purpose is as stated in the application for the on-site sewage disposal permit submitted to the Health Department. This warranty shall inure to the benefit of any subsequent purchasers, heirs, or assigns. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.090)

5.48.100 Procedures for Enforcement.

The Director of Health is hereby authorized and directed to develop policies and procedures for the enforcement of this Chapter. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.100)

5.48.110 Severability.

If any Section, subsection, or any part of these rules and regulations are determined to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion. (Res. 22570 § 1 (part), 1980; prior Code § 50.60.110)