

ORDINANCE NO. 1414

**AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING SECTIONS OF KALAMA MUNICIPAL CODE CHAPTER 5 BUSINESS LICENSES AND REGULATIONS TO COMPLY WITH CHANGES TO STATE LAWS AND MAKE NECESSARY CHANGES TO OUTDATED CODE SECTIONS.**

**WHEREAS**, new State Law adopted in 2017 requires all cities to adopt new provisions for business licenses issued to businesses operating within the city limits and sets a minimum dollar threshold of business activity to require a license;

**WHEREAS**, the new laws require the City to partner with either the State Business Licensing System or FileLocal by 2022;

**WHEREAS**, the City's business licenses codes contain sections that were adopted as far back as 1949 and are no longer applicable or needed today;

**WHEREAS**, the City chooses to take this opportunity to review and amend sections in Kalama Municipal Code Chapter 5 Business Licenses and Regulations.

**NOW THEREFORE** the City Council of the City of Kalama do ordain as follows:

**Section 1:** Kalama Municipal Code Chapter 5.04 Licensing for Businesses and Occupations is amended to read as follows:

**5.04.010 - Purpose.**

~~The purpose of this chapter is to establish a revised schedule of license and permit fees which may more equitably reflect the value of the privilege to the person receiving it, and more nearly compensate the city for the relative expense of inspection or supervision required to ensure compliance with the ordinances of the city.~~

The purpose of this chapter shall be deemed an exercise of the power of the City, as provided in Chapter 35A.82.020 RCW to license and revoke the same for cause, to regulate, make inspections and to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity

**5.04.020 - License—Required.**

~~It is unlawful and a misdemeanor for any person, firm, partnership, association, or corporation to conduct or engage in any business or profession, including the operation of trucks, or cars, by solicitors for gathering and delivering laundry, for selling bakery goods at retail from door to door, or any other similar operation within the city limits, without first having obtained a license so to do.~~

Every person who is subject to the provisions of this chapter shall, before engaging in any business or performing any act for which a license or fee is required, apply for and obtain from the City of Kalama or the Washington State Department of Revenue's

**Commented [KCo1]:** This is a draft and contains sections that are being removed entirely from the code, which are included here only for reference for purposes of review and will be removed from the final ordinance presented for passage.

Business Licensing Service, in coordination with the city clerk, a business license endorsed for a City of Kalamazoo city business license. No person shall engage in any business for which a city registration is required under this chapter without being registered in compliance with the provisions of this chapter

#### **5.04.025 – Engaging in Business – Defined**

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1) and do not constitute a comprehensive list. If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(l) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This

provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the City.

(e) Attending, but not participating in a "trade show" or "multiple vendor events".

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the City.

(5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

#### **5.04.030 - License—Term—Prerequisite for conducting business.**

Such license shall be purchased on or before the thirty-first day of January for the ensuing year. In no case shall a business or profession begin operation until a license has been obtained. The registration certificate and license shall be personal and nontransferable, and shall be valid until December 31st of the year for which issued or as long as the license payer shall continue in business and pay the license fee required to the city under the provisions of this chapter, whichever event shall terminate first. . No business shall be granted a license renewal if said business is delinquent in payment of any other business related taxes or fees owed to the city.

#### **5.04.040 - License—Fee and penalties.**

The fee payable for a license to conduct or engage in any business or profession, including the operation of billboards, shall be as established by resolution of the city council. New businesses or professions beginning operations after July first will be subject to fifty percent of the current license fee. A **ten percent penalty** will be added to business license fees if annual renewal is ~~thirty days~~ fifteen (15) past due.

#### **5.04.050 – License – Exemption**

A. For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business

within the city, shall submit a business license registration to the City without fee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

#### **5.04.060 - Games of skill—Fee.**

Any place of business operating "games of skill," which term means and includes any electrical, mechanical, or other amusement device, which devices may be played by the insertion of a coin or coins, shall pay a license fee as established by resolution of the city council, or any part thereof, for each such skill game at the location, which license fee shall be in addition to any other license fee or tax required by any ordinances of the city.

#### ~~5.04.070 - Circuses and carnivals—Fee—Bond.~~

~~Circuses and carnivals shall pay a per day license fee and a fee per each concession in amounts as established by resolution of the city council.~~

#### ~~5.04.080 - Transient photographers—Fee.~~

~~Transient photographers shall pay a license fee as established by resolution of the city council.~~

#### **5.04.090 - Issuance of license.**

- A. All licenses hereunder shall be issued by the city clerk-treasurer or the State of Washington Department of Revenue upon applications therefore made in writing and signed by the applicant, showing his residence and business address and describing the business engaged in and giving such other information as may be required by the city council, upon payment of the fee for such license. The clerk-treasurer shall not issue any license for a business, the conduct of which, he/she reasonably believes violates local, state, or federal law or any applicable regulation rendering such business conduct unlawful.
- B. Issuance of a business license shall not relieve the applicant from the need to comply with all other applicable city ordinances, state and federal laws.
- C. It is required that all businesses applying for a license with the City be licensed by the State of Washington including all specialty/regulatory license requirements for the profession or business activity, or provide evidence of exemption from the State licensing.

#### **5.04.100 - License nontransferable.**

No license hereunder shall be transferable, nor the place of use thereof changed without the consent of the City council, and such license shall be kept posted and displayed in a conspicuous place in the place of business for which the same was obtained.

#### **5.04.110 - Violation—Penalty.**

~~Any person violating any provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor. Any person convicted of a misdemeanor under this chapter shall be punished by a fine of not more than one thousand dollars.~~

A. It shall be unlawful for any person liable for fees under this chapter (or other chapters as listed):

1. To violate or fail to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the city;

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

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

4. To fail to appear or testify in response to a subpoena issued pursuant to law;

5. To testify falsely in any investigation, audit, or proceeding conducted pursuant to this chapter.

B. Violation of any of the provisions of this chapter is a gross misdemeanor. Any person convicted of a violation of this chapter may be punished by a fine not to exceed one thousand dollars, imprisonment not to exceed one year, or both fine and imprisonment. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.

C. Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor and may be punished by a fine not to exceed five thousand dollars, or imprisonment not to exceed one year, or both fine and imprisonment.

D. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by any such person, and he shall be punished accordingly.

#### **5.04.120 - Revocation of license.**

~~All licenses issued pursuant to the provisions of this chapter shall be subject to immediate revocation by the city upon finding that the privileges granted by said license have been, or are being abused, by the licensee. Licenses of businesses more than ninety days past due on any business related tax or fees shall be subject to revocation~~

~~by the city. In the event such revocation is made, no refund shall be made for any unexpired portion of the licensing period.~~

A. The City Administrator, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this title. The Administrator, or designee, shall notify such licensee in writing by certified mail of the suspension or revocation of his or her license and the grounds therefor. Any license issued under this title may be suspended or revoked based on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.
2. The licensee has failed to comply with any provisions of this chapter.
3. The licensee has failed to comply with any provisions of Chapter 5.04.
4. The licensee is in default in any payment of any license fee or tax under Chapter 5.04.
5. The licensee or employee has been convicted of a crime involving the business.

B. Any licensee may, within ten (10) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Hearing Examiner. A copy of the petition must be provided by the licensee to the director and the city attorney on or before the date the petition is filed with the City Hearing Examiner. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license.

No suspension or revocation of a license issued pursuant to the provisions of this chapter shall take effect until ten (10) days after the mailing of the notice thereof by the department, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the City Hearing Examiner. All licenses which are suspended or revoked shall be surrendered to the City on the effective date of such suspension or revocation. The decision of the Hearing Examiner shall be final. The licensee and/or the department may seek review of the decision by the Superior Court of Washington in and for Cowlitz County within twenty-one (21) days from the date of the decision. If review is sought as herein prescribed, the suspension or revocation shall be stayed pending final action by the superior court.

C. Upon revocation of any license as provided in this chapter, no portion of the license fee shall be returned to the licensee.

**Section 2:** Kalama Municipal Code Chapter 5.06 Private Detectives or Detective Agencies is deleted in its entirety as State Licensing requirements are adequate.

**Chapter 5.06 – PRIVATE DETECTIVES OR DETECTIVE AGENCIES** *Remove – State does background etc so it has met the state requirements City would not need to repeat.*

**Sections:**

~~5.06.010 – Definitions.~~

- ~~A. "Detective business" means the business of making, for hire, an investigation or investigations for the purpose of obtaining information with reference to any of the following matters: crimes against any commonwealth or wrongs done or threatened; the habits, conducts, movements, associates, transactions, reputation or character of persons, firms, or corporations; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; the securing of evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases; the cause, origin, or responsibility for fires, accidents or injury to real or personal property.~~
- ~~B. "Private detective" means a person engaged in the detective business, for hire, who does not employ or use any employees, assistants, clerks, bookkeepers, or operatives.~~
- ~~C. "Detective agency" means a person engaged in the detective business for hire, which employs one or more persons as employees, assistants, clerks, bookkeepers, or operatives in its business; provided, that persons engaged in the business whose employees, other than office employees, are in full uniform, shall not be classed as a detective agency.~~
- ~~D. "For hire," as used in this chapter, includes compensation paid directly or indirectly.~~

~~(Ord. 639 § 1, 1980).~~

~~5.06.020 – License required.~~

~~It is unlawful for any person to act, or to hold himself out as a special or private detective for hire within the city, or for any person to engage in, or hold himself out as being engaged in the business of furnishing or supplying special or private detectives within the city, unless such a person is licensed under this chapter or is regularly employed by a fully licensed special or private detective, named and described in the records of the police department and bureau of licenses of the city as provided in this chapter.~~

~~(Ord. 639 § 2, 1980).~~



~~5.06.030—Conduct of employees—Licensee's responsibility.~~

~~The holder of an unexpired license for a detective agency issued pursuant to this chapter may employ, to assist him in his work and in the conduct of his business, as many persons as he may deem necessary, and shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed.~~

~~(Ord. 639 § 3, 1980).~~

~~5.06.040—Application procedure.~~

~~In addition to the usual required form and information, the following provisions shall apply to the application for license provided in this chapter:~~

- ~~A. 1. If the applicant is an individual, the application shall be signed and verified by the individual. If the applicant is a firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the firm or partnership. The application shall state the full name, age, residence, present and previous occupation, covering a period of five years prior to the application, of each individual so signing the same. The application shall also give the location of the office in the city and, if there is more than one office, the location of each of the same, with facts sufficient to show the good character, competency, and integrity of each individual so signing the application. The application shall be approved as to each individual so signing the same by not less than five reputable citizens, each of whom shall certify that he has personally known the applicant for a period of at least five years prior to the filing of the application, that he has read the application and believes each of the statements made therein to be true, and that the person is honest, of good character, competent, and not related or connected by blood or marriage to the person so certifying. The certificate of approval shall be signed by each of the citizens and duly verified before an officer authorized to administer oaths.~~
- ~~2. If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, or, if a foreign corporation, the application shall be accompanied by a certificate signed by the proper officers of such corporation showing the place and date of incorporation, a certified copy of its right to do business in the state, and the name of its duly authorized local agent. The application shall be signed and verified by the duly authorized local agent for the corporation. The application shall state the name of the corporation, its home office, and principal place of business in the city. Each and every requirement of the foregoing paragraphs of this section, as to a single individual or the individual members of a firm or partnership, shall apply to the president, secretary and treasurer of a domestic corporation and to the duly authorized local agent of foreign corporation. Each of the officers of local agents, his successor or successors, shall, prior to entering upon the~~

~~discharge of his duties, sign and verify a like statement, approved in like manner, as is prescribed by the foregoing paragraph in the case of a single individual or individual member of a firm or partnership. In the event of the death, resignation or removal of any such officer or duly authorized local agent, due notice of that fact shall forthwith be given in writing to the city clerk-treasurer.~~

- ~~B. Upon receipt of an application, the city clerk-treasurer shall forward the same to the chief of police for investigation which shall consist of a background check as allowed through the state criminal records privacy act under RCW 10.97.050, the state patrol criminal identification system under RCW 43.43.832-43.43.834, and the Federal Bureau of Investigation. These background checks will be done through the state patrol criminal identification section and may include a national check from the FBI which shall be through the submission of fingerprints. Before making any recommendation, the chief of police shall cause the applicant, if the applicant is an individual, each member of a firm or partnership, if the applicant is a firm or partnership, or the officers of a corporation or the authorized local agent of a foreign corporation, if the applicant is a local or foreign corporation, to be interviewed and his or their photograph and fingerprints taken and thorough investigation made into the character, reputation, and ability of the applicant or those making such application. The provisions of this chapter relating to provisional licenses shall not apply to this license, and no license shall be issued without the chief of police having approved the application. In the event the chief of police shall recommend against the issuance of the license, the applicant shall have the right to appeal to the city council.~~

~~(Ord. 904 § 5, 1995; Ord. 639 § 4, 1980)~~

~~(Ord. No. 1296, § 1, 7-18-2012)~~

~~5.06.050 - Fees.~~

- ~~A. The license fees for detectives and detective agencies shall be as established by resolution of the city council.~~

~~(Ord. 1143 § 3, 2004; Ord. 639 § 5, 1980).~~

~~5.06.070 - License transfer prohibited.~~

~~No license granted under the provisions of this chapter shall be transferable.~~

~~(Ord. 639 § 6, 1980).~~

~~5.06.080 - Divulging information.~~

~~No person who is or has been an employee of a holder of a license granted under the provisions of this chapter shall divulge to any one other than his employer, except as may be required by law, any information acquired by him during his employment in respect to any of the work to which he shall have been assigned by his employer, or any information obtained by him in his employer's service.~~

~~(Ord. 639 § 7, 1980).~~

~~5.06.090—False reports.~~

~~No person who is an employee of a holder of a license issued under the provisions of this chapter shall make any false report or account to his employer.~~

~~(Ord. 639 § 8, 1980).~~

~~5.06.100—Identification card.~~

~~Every private detective and every employee of a detective agency licensed under the provisions of this chapter shall at all times have in his or her possession an identification card in form to be approved by the city clerk-treasurer and the chief of police. The identification card, in addition to such requirements as may be provided by the city clerk-treasurer and chief of police, shall include a photograph of the holder and shall bear his thumbprint and signature. It is unlawful for any person so licensed or the employee of any agency so licensed to engage in any work coming within the purview of this chapter without having such an identification card in his possession. It is unlawful for an unlicensed person or employee of an unlicensed agency to have such identification card. Upon revocation of license, the identification cards of all employees of an agency whose license has been revoked shall be surrendered. All such identification cards shall be surrendered to the city clerk-treasurer upon the issuance of a new license. Identification cards shall be valid only for the calendar or fiscal year in which they are issued.~~

~~(Ord. 639 § 9, 1980).~~

~~5.06.110—License revocation.~~

~~Any license issued under the provisions of this chapter may be revoked by the council upon hearing duly had, for any of the following reasons:~~

- ~~A. If it appears that the licensee has knowingly violated any of the provisions of this chapter;~~
- ~~B. If it appears that the licensee has knowingly instructed any employee to violate any of the provisions of this chapter;~~
- ~~C. If it appears that the licensee has knowingly made a false report in respect to any of the matters in which the licensee may be employed;~~

- ~~D. — If it appears that the licensee has divulged any information which he acquired from or for his client to any person other than his client, except when authorized by his client to divulge such information, or when required to do so by law;~~
- ~~E. — If it appears that the licensee has knowingly and willfully sworn falsely in any judicial proceeding, or suborned perjury therein;~~
- ~~F. — If it appears that the licensee has knowingly permitted any employee to divulge any information acquired for or from his client;~~
- ~~G. — If it appears that the licensee has accepted money or gratuities from any person whose affairs he may have been employed by another person to investigate. In the event it appears that any copartner or any member of a firm or any officer or authorized local agent of a corporation holding a license under this chapter has done any of the things set forth in the foregoing subsections of this section, then the council may revoke the license of the partnership, firm or corporation.~~

~~(Ord. 639 § 10, 1980).~~

#### ~~5.06.120 - Exemptions.~~

~~Nothing in this chapter shall apply to the following persons:~~

- ~~A. — Any officer belonging to the police force of the United States, the state, or of any county, city, town or other municipal corporation, appointed or elected by due authority of law, insofar as his activities in such official capacities are concerned;~~
- ~~B. — Any person in the employ of any police force or police department of the United States or any agency of the United States, the state, county, city, town or other municipal corporation, while engaged in the performance of his official duty;~~
- ~~C. — Any United States or county attorney, the United States or State Attorney General or city attorney, or their deputies, or assistants, or any person in the employ of a county attorney, Attorney General or city attorney while engaged in the performance of his official duties;~~
- ~~D. — Any association or corporation organized for patriotic purposes and not for pecuniary profit;~~
- ~~E. — Any special or private policeman or watchman;~~
- ~~F. — Any other person engaged in the business of doing only police work and not in the detective or secret service business.~~

**Section 3:** Kalama Municipal Code Chapter 5.08 Sale of Alcoholic Beverages is deleted in its entirety as State licensing and oversight requirements are sufficient.

**Chapter 5.08 - SALE OF ALCOHOLIC BEVERAGES - Don't believe this is necessary as part of City code. All statutes would apply by law.**

**Sections:**

~~5.08.010 – State statutes adopted by reference.~~

~~The following chapters and sections of RCW, Title 66, commonly known as the Alcoholic Beverage Control Act, are adopted by reference as the ordinance law of the city:~~

<del>Chapter 66.04:</del>	<del>Section 66.04.010.</del>
<del>Chapter 66.28:</del>	<del>Sections 66.28.080, 66.28.090.</del>
<del>Chapter 66.32:</del>	<del>Sections 66.32.010, 66.32.020, 66.32.030, 66.32.040, 66.32.050, 66.32.060, 66.32.070, 66.32.080, 66.32.090.</del>
<del>Chapter 66.44:</del>	<del>Sections 66.44.100, 66.44.110, 66.44.120, 66.44.130, 66.44.140, 66.44.150, 66.44.160, 66.44.170, 66.44.175, 66.44.200, 66.44.210, 66.44.260, 66.44.270, 66.44.280, 66.44.290, 66.44.291, 66.44.300, 66.44.310, 66.44.315, 66.44.320, 66.44.325.</del>

~~(Ord. 904 § 6, 1995; Ord. 544 § 1, 1972).~~

~~5.08.020 - Copies on file.~~

~~The clerk treasurer shall keep on file, at all times and open for public inspection, at least three copies of the chapters and sections of the Revised Code of Washington adopted by reference herein.~~

~~(Ord. 544 § 2, 1972).~~

~~5.08.030 – Keg sales of malt liquor.~~

~~A. – Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons or more of malt liquor to consumers who are not licensed under RCW Chapter 66.24 shall do the following for any transaction involving the container:~~

- ~~1. – Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage;~~

2. Require the purchaser to provide one piece of photo identification;
3. Require the purchaser to sign a sworn statement under penalty of perjury, that:
  - a. The purchaser is of legal age to purchase, possess or use malt liquor;
  - b. The purchaser will not allow anyone under the age of twenty one years to consume the beverage;
  - c. The purchaser will not remove, obliterate or allow to be removed or obliterated, the identification label to be affixed to the container;
4. Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located;
5. Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event at a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

B. Violation of any of the provisions of this section is a misdemeanor, punishable as provided in Chapter 1.12 of this code.

(Ord. 904 § 7, 1995; Ord. 642 § 1, 1980).

**Section 4:** Kalama Municipal Code Chapter 5.12 Direct Selling – Sales is amended to read as follows:

#### **Chapter 5.12 - DIRECT SELLING—SALES— Solicitors**

##### **5.12.010 - Definitions.**

A "or solicitor" within the meaning of this chapter means any person who goes from house to house or place to place in the city, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise or services for present or future delivery, or for the making, manufacturing, or repairing of any article or thing whatsoever, for present or future delivery, except those selling to merchants for resale.

A "solicitor" is any person who goes from house to house or place to place, selling or taking orders for or offering to sell or take orders for, goods, wares, merchandise or services of any description, for present or future delivery or performance, or for the making, manufacturing or repairing of any article or thing whatsoever, for present or future delivery. The term also includes such activity in areas where the public is invited to park, drive or walk. The term does not include those selling to merchants for resale.

##### **5.12.020 - License—Required.**

~~It is unlawful for any person to act as a solicitor within the meaning and application of this chapter unless he or his employer shall have first secured a license therefor in the manner provided by this chapter.~~

It is unlawful for any person to act as solicitor within the meaning and application of this chapter unless he/she or an employer, if any, shall have first secured a license therefor in the manner provided herein. This license is in addition to any city business registration or license that may be required under Chapter 5.04.

#### **5.12.030 - License—Application—Information.**

~~Any person or firm desiring to secure a solicitor's license shall apply therefor in writing over his or her signature to the clerk treasurer on forms provided by the city, and such application shall state as to each or solicitor:~~

- ~~A. The name and address of each such or solicitor;~~
- ~~B. The name and address of the person, firm, or corporation by whom employed;~~
- ~~C. The length of service of each such or solicitor with such employer;~~
- ~~D. The place of residence and nature of the employment of each or solicitor during the last preceding year;~~
- ~~E. The nature or character of the goods, wares, merchandise or services to be offered by each or solicitor;~~
- ~~F. The personal description of each or solicitor.~~

~~Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of each or solicitor as may be reasonably required from time to time by the city council.~~

A. As a prerequisite to the privilege to solicit, each self-employed applicant shall display a registration certificate for carrying on business as provided by Chapter 5.04. Employed applicants need only show evidence that their employer has such a certificate. Complete compliance with said chapter is a condition to the continued validity of a solicitor's license issued hereunder.

B. Any person or firm desiring to secure a solicitor's license shall apply therefor to the City on forms provided by the City, and such application shall state as to each solicitor:

(A) name and address;

(B) name and address of any employer;

(C) the length of service with such employer;

(D) the place of residence and nature of the employment during the last preceding year;

(E) the nature and character of the goods, wares, merchandise or services to be offered; and

(F) the personal description of each solicitor.

The application shall be accompanied by such credentials and other evidence of good moral character and identity of each solicitor as may be reasonably required by the City. The application shall also be accompanied by a nonrefundable fee in an amount set by resolution of the city council for the purpose of defraying part of the cost of the investigation and other processing of the application. Nonprofit organizations showing proof of status shall be exempt from paying the fee and from the investigation provided for below

#### **5.12.040 – ~~License Investigation—Issuance—Expiration date.~~**

~~If the city council determines that the facts set forth in the application are true, such or solicitor is of good moral character, and that he proposes to engage in lawful and legitimate commercial or professional enterprise, the city council may then approve the application, and direct the clerk-treasurer to issue the license applied for. Such license shall expire on the thirty-first day of December of the year in which such license shall have been issued. Except as hereinafter provided, no license shall be issued until full investigation as aforesaid is made.~~

The clerk/Treasurer or designee shall refer the application for investigation to determine that the facts set forth in the application are true and that the applicant proposes to engage in a lawful and legitimate commercial or professional enterprise. The City shall conduct a background investigation and may require such additional information deemed necessary. If the application is approved, the City Clerk or designee shall issue the license. Such license shall expire on the thirty-first day of December of the year issued.

#### **5.12.050 - ~~License—Fee.~~**

~~At the time application by any solicitor is made for such license a fee as established by resolution of the city council shall first be paid unto the city clerk-treasurer. In the event said license is denied by the city council, one-half of said fee shall be refunded to the applicant.~~

#### **5.12.060 - ~~License—To be carried.~~**

~~Such license shall be carried at all times by each solicitor for whom issued when soliciting or canvassing in the city, and shall be exhibited by any such solicitor whenever he or she is requested to do so by any police officer or any person solicited.~~

#### **5.12.070 - ~~License—Revocation.~~**



~~Any such license may be revoked by the city council for any violation by the employer or solicitor of any of the ordinances of the city or of any state or federal law, or whenever such or solicitor shall, in the judgment of the city council, cease to possess the character and qualifications required by this chapter for the issuance of such license.~~

Any such license may be revoked by the city for the violation of any of the ordinances of the city or of any state or federal law.

Any person that is aggrieved by the denial of a license or renewal thereof under this chapter, or by the revocation of license under this chapter, shall have the right to appeal such denial or revocation to the city's hearing examiner. Such appeal shall be in writing filed with the finance director or designee within twenty (20) days of the decision.

#### ~~5.12.080 - Surety bond - In lieu of waiting period.~~

~~If any applicant for a license, including or solicitor or his employer, is unwilling to receive a license only upon the conclusion of the investigation provided heretofore, and if he desires the issuance of a license by the city council immediately upon application, he may, in addition to the fee heretofore provided, deposit with the city clerk treasurer a cash or surety bond to be approved by the city clerk treasurer in the sum of one thousand dollars conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms of such order, or, failing therein, that the advance payment on said order be refunded, and, thereupon, such license or licenses may be immediately issued. Any person aggrieved by the actions of any such solicitor shall have a right of action on the bond for the recovery of the money or damages or both. Such bond shall remain on deposit for a period of ninety days after the expiration of such license unless sooner released by the city council.~~

#### **5.12.090 - Orders—Information.**

~~Any orders taken by licensed s or solicitors shall be in writing, in duplicate, stating the name as it appears on the license and address of both the or solicitor and his employer, the terms thereof, and the amount paid to him in advance, and one copy shall be given to the purchaser.~~

All orders for future delivery taken by licensed solicitors shall be in writing in duplicate identifying both the solicitor and his employer, stating the terms of the transaction, the amount paid in advance, and the date. One copy shall be given to the purchaser.

#### **5.12.100 - Exceptions.**

~~This chapter shall not apply to the s of, or to the taking orders for the sale of, any fruits, vegetables, berries, butter, eggs, milk, poultry, meats, or farm products raised or produced by such or solicitor.~~

This chapter shall not apply to nonprofit corporations or associations showing status engaged in fund-raising activities. Such corporations or associations may register with the finance director or designee should they desire credentials for no fee.

#### **5.12.110 - Violation—Penalty.**

Any person, firm or corporation violating any provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor. Any person convicted of a misdemeanor under this chapter shall be punished by a fine of not more than one thousand dollars.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by any such person, and he shall be punished accordingly.

**Section 5:** Kalama Municipal Code Chapter 5.16 Musical Entertainment - Caberet is amended to read as follows:

#### **Chapter 5.16 - MUSICAL ENTERTAINMENT - CABERET**

##### **5.16.010 - Definitions.**

- A. ~~As used in this chapter, "business" means every person furnishing music, entertainment, and/or the opportunity to dance in connection with the operation of an establishment for the dispensing of beverages for consumption on the premises.~~
- B. ~~As used in this chapter, "occasional basis" means the furnishing of music, entertainment, and/or the opportunity to dance not more than six times per calendar year.~~

"Cabaret" means any room, place or space whatsoever in the city in which any music, singing, dancing or other similar entertainment is permitted in connection with any hotel, restaurant, cafe, club, tavern, eating place, directly or indirectly selling, serving or providing the public, with or without charge, food or liquor. The words "music and entertainment" as used herein shall not apply to radios or mechanical devices. "Adult entertainment" is further defined and regulated as provided in Chapter 5.40.

"Liquor" means all beverages defined in RCW 66.04.010.

##### **5.16.020 License – Required**

- A. ~~There is levied and shall be collected a quarterly license fee as established by resolution of the city council, payable quarterly on the first day of each calendar quarter throughout the year, beginning on January 1st of each year, against every business furnishing music, entertainment and/or the opportunity to dance on other~~

~~than an occasional basis in connection with the operation of an establishment for the dispensing of beverages for consumption on the premises.~~

- ~~B. There is levied and shall be collected a temporary license fee as established by resolution of the city council, payable at the time of application therefor, which shall be not less than ten days prior to the holding of such event, in connection with the furnishing of music, entertainment and/or the opportunity to dance on an occasional basis in connection with the operation of an establishment for the dispensing of beverages for consumption on the premises; provided, however, during any one calendar year, such temporary license shall not be issued to a single establishment on more than six occasions.~~
- A. No person, firm or corporation shall conduct, manage, or operate a cabaret without a valid cabaret license from the City. A cabaret license is not required where a cabaret is conducted for a period of two (2) days or less during any calendar year. The cabaret license is in addition to any city business registration or license that may be required under Chapter 5.04.
- B. The license fee shall be in an amount set by resolution of the city council.
- C. The license and license fee herein provided for shall be in addition to any other business license or business license fee now paid by such persons in compliance with any ordinance now in effect
- D. Any establishment commencing business at a time other than January 1st shall make payment from the first day of the calendar quarter last preceding the date upon which application is made. The license shall expire on the thirty-first day of December each year.
- E. The licenses issued under this chapter are not transferable in the event of a change in the ownership of the business, location, or other similar circumstances. hereinafter enacted.

#### **5.16.030 - License—Application—Issuance.**

Every person desiring to engage in any such business activity or privilege within the city, shall make application for a license to do so to the city clerk-treasurer at his office on a form to be furnished by the clerk-treasurer, in which it shall be stated the residence of the applicant, and the place where the dance is proposed to be conducted. If the clerk-treasurer finds the application to be correct, he shall issue the license in accordance therewith.

#### **5.16.040 – Licensing Restrictions**

A. No cabaret shall be conducted or dance hall or cabaret be kept open between the hours of 2:00 a.m. and 6:00 a.m.

## B. Smoking Prohibited

It is unlawful for any person or persons to smoke or carry in his or her hand when dancing a lighted cigar, cigarette or pipe in any cabaret at any time a dance is in progress.

### **5.16.050 - Failure to pay license fee.**

If any person required to pay a license fee by this chapter fails or refuses to pay the license fee, at the time heretofore specified, he shall not be granted a license for the current licensing period until such delinquent license fee has been paid in addition to the current fee required.

### **5.16.060 - Right of Entry for Inspection**

All peace officers of the state, county and city shall have free access to all cabarets for the purpose of inspecting and enforcing compliance with the provisions of this chapter.

### **5.16.060 - License—Revocation.**

~~All licenses issued pursuant to the provisions of this chapter shall be subject to immediate revocation by the city council upon finding by the council that the privileges granted by said license have been, or are being abused, by the licensee; that the conduct of the privilege granted by said license constitutes a nuisance or is otherwise detrimental to the peace and good order of the city or the welfare of its citizens.~~

The City may revoke any license issued under the provisions of this chapter should one or more of the following conditions apply:

A. The violation of any of, or failure to comply with, the provisions of this chapter or any rules or regulations of the Washington State Liquor and Cannabis Board by the person holding such license or by any of his managers or agents;

B. In the event that ten or more arrests with ensuing criminal charges occur within a one-year period, from activities occurring within the cabaret establishment.

C. In the event such revocation is made, no refund shall be made for any unexpired portion of the licensing period.

### **5.16.070 Licenses—Appeal.**

Any person that is aggrieved by the denial of a cabaret license or renewal thereof, or by the revocation of a cabaret license, shall have the right to appeal such denial or revocation to the City's Hearing Examiner. Such appeal shall be in writing filed with the finance director or designee within twenty (20) days of the decision.

**5.16.080 - Violation—Penalty.**

- A. It is unlawful for any person to engage in, or carry on any such business activity or privilege without first paying for and procuring the license so to do, as required by this chapter.
- B. Any person violating any provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor. Any person convicted of a misdemeanor under this chapter shall be punished by a fine of not more than one thousand dollars.
- C. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by any such person, and he shall be punished accordingly.

**Section 6:** Kalama Municipal Code Chapter 5.18 Special Events is amended to read as follows:

**Chapter 5.18 - SPECIAL EVENTS\***

5.18.010 - Definitions.

As used in this chapter, the following terms are defined in this section:

"Annual permit" means a permit which allows the permittee to hold regular, identical events throughout the calendar year.

"Special event" means any dance, festival or event involving city property and/or city street(s) where the number of persons expected to attend exceeds one hundred fifty (150) persons, or all events where city streets or sidewalks will be blocked or modified, regardless of the number of persons expected to attend, except as set forth below. A special event also includes events on private property where the expected attendance exceeds five hundred (500) persons where Kalama public streets and parking are likely to be affected. A special event may include any or all age groups or persons or any combination thereof, as set forth in the permit to conduct such event.

A "special event" does not include the following:

1. Any meeting or gathering in a building intended for assembly occupancy where the number of persons in attendance does not exceed the occupancy capacity of the building;
2. Service group, school or church related fundraising efforts which may have an incidental effect on city property, but where the persons in attendance will be less than one hundred fifty (150) persons. This exemption includes, but is not limited to, bake sales, the sale of Girl Scout cookies and car washes.

"Sponsor or sponsoring group" means any one or more of the following:

1. An individual;
2. Governmental agencies, entities or political subdivisions;
3. Clubs, fraternal orders, societies or groups which are profit or nonprofit corporations or associations under the laws of Washington State.

"Teenage dance" means a dance or musical event to which a person under twenty-one (21) years of age is admitted, with or without payment of a monetary fee or other form of admission charge; provided, that attendance is restricted to persons who are at least thirteen (13) years of age, but not more than twenty (20) years of age (except with the approval of the sponsor) or who are currently enrolled in an accredited secondary school. This does not include school or church sponsored teenage dances.

"Vendor" means any person, persons, business or entity selling goods or services to the general public from a rented booth or area or as part of a special event activity.

5.18.020 - Permit required.

No person, firm, corporation, club, organization or association shall conduct, hold, or sponsor any special event involving city property and/or city street(s) or impacting city streets without a permit being issued and approved by the city and payment of the permit fee received by the city clerk-treasurer. Prior to approval by the City, the permit application shall be circulated for comment to the clerk-treasurer, public works director, chief of police, and fire chief. Any sponsoring group aggrieved by the denial of a special events permit may appeal to the city council at its next regularly scheduled meeting.

5.18.030 - Sponsor required.

No permit to conduct, hold or sponsor any special event involving any City property and/or City street(s) shall be issued except to a sponsor or sponsoring group.

5.18.040 - Duties of sponsor of sponsoring group prior to receiving a permit.

Any sponsor or sponsoring group shall make provisions for the following if applicable:

- A. Event parking;
- B. Event litter;
- C. Event sanitary facilities;
- D. Event communications;
- E. Event security;
- F. Road restrictions;
  1. Normal area traffic independent of event,
  2. Emergency vehicle traffic,
  3. Event traffic;
- G. Medical, minimum first aid;

- H. Fire;
- I. Event age restriction;
- J. Ramping of sidewalks;
- K. Liquor permit.

5.18.050 - Duties of sponsor or sponsoring group during event.

Any sponsor or sponsoring group to whom a permit has been issued to conduct, hold or sponsor an event shall be responsible for the following during the event:

- A. The orderly conduct of all persons attending the event;
- B. The admission to the event of only those persons within the age limits that the permit allows;
- C. The removal from the event of persons who are disorderly, or create disturbances;
- D. The enforcement of all provisions of this chapter under which the permit was issued;
- E. The acquisition, placement and removal of all temporary sanitation facilities;
- F. The placement and removal of all temporary traffic control devices;
- G. The placement and removal of all temporary litter containers;
- H. No event sponsor shall obstruct a city street beyond five feet from the center line of the city street.

5.18.060 - Permit fees.

Permit fees for the permits required under Section 5.18.020 of this chapter shall be as established by resolution of the city council.

5.18.070 - Annual and vendor permit requirements.

- A. Annual Permit. A separate permit shall be required for each event unless the sponsor or sponsoring group has received an annual permit. The holder of an annual permit shall furnish to the city clerk-treasurer in writing the date, time and location of each event involving city property or city street(s), and all applicable provisions of Section 5.18.040 of this chapter. This information shall be received by the city clerk-treasurer no less than fourteen days before the date of the individual event.
- B. A vendor permit covering all participating vendors is required in addition to the special events permit for any event that will include the setting up of booths, tables, or areas for the purpose of selling goods and services by persons or businesses not licensed by the City of Kalama. Under this provision individual vendors at a special event will not be required to obtain a regular city business license as required under KMC Chapter 5.04.

5.18.080 - Permit—Application—Contents.

- A. The application for a permit under this chapter shall be filed with the city clerk-treasurer, who shall forward copies of the application to each of the individual city department supervisors. The individual city department supervisors shall review their copy of the permit with respect to the function of their department, and shall in writing on their copy indicate their review, including:
1. Established city requirements for the type of event;
  2. Established city requirements for the issues specified in Section 5.18.040 of this chapter;
  3. What, if any, issues of Section 5.18.040 of this chapter their department will/can provide and/or assist with.
- B. All applications shall be made in writing and signed by the sponsor or a member of the sponsoring group who is at least twenty-one years of age.
- C. All applications shall be filed at least ~~fourteen~~ **thirty (30)** days prior to the date upon which a proposed event is to be held and shall set forth the following:
1. Names addresses and phone numbers of applicant or applicant's officers;
  2. The time and date the event is to be held on;
  3. The address or location of the place where the event will be held;
  4. The approximate number of persons attending the event;
  5. Certification that the place or premises conforms with safety regulations of the Kalama building and fire codes;
  6. The type of event;
  7. Whether temporary sanitation facilities will be needed;
  8. Whether additional temporary litter receptacles are necessary;
  9. A proposed street closure plan; and
  10. Such other information needed to evaluate the required provisions of the issues listed in Section 5.18.040 of this chapter.
- C. If a vendor permit is required, the sponsor will need to provide the following information for all vendors participating in the event prior to the first day of the event:
1. Vendor name;
  2. Business name;
  3. Mailing address;
  4. Home and business telephone numbers;
  5. State Registration No. (UBI#).

5.18.090 - Parking areas.



When applicable, the application for a permit shall be accompanied by a drawing showing proposed parking facilities. All applicants shall obtain written parking permission from private property owners to be attached to the application.

#### 5.18.100 - Permit disapproval.

If such application is disapproved, the city shall set forth in writing the reasons for the disapproval and attach a written statement to the application and forward a copy to the applicant. If disapproval of the application is recommended by the city, the applicant may appeal the disapproval to the city council at their next regular meeting.

#### 5.18.110 - Permit—Revocation.

A state certified law enforcement officer may revoke or suspend a permit after it has been issued if he or she finds any of the following:

- A. The applicant for the permit or the permit holder has committed a violation of any provision or regulations of this chapter;
- B. Any conduct inconsistent with the permit and/or any violation of law.

#### 5.18.120 - Security.

The applicant shall provide a plan for security. The applicant may use a licensed and bonded private security company or request security from the Kalama Police Department.

#### 5.18.130 - Cost of Kalama Police Department.

If an applicant seeks to use the Kalama Police Department for security, the applicant shall, at the time the permit is granted, pay sixty dollars (\$60) per hour per officer to cover an average overtime rate plus benefits to cover the costs incurred by the City to provide special duty officers. The payment shall be made to the clerk-treasurer at the time the permit is granted based on the number of expected hours the event will last, times the number of officers needed for the event. Refunds of any amount equal to a full hour will be made after the event. The fees set herein may be amended by resolution of the City Council.

#### 5.18.140 - Deposit.

- A. No permit shall be granted unless the applicant has on deposit with the city clerk-treasurer cash or surety bond, to save and protect the city from any and all expense and/or damage arising from the operation of the applicant's event or caused by vehicles, employees, participants and/or patrons of or at the event. The bond shall be used to: (1) pay all charges and losses of the city for damage to the streets, sidewalks, pavements, bridges, street signs and other city property; (2) pay all expenses incurred by the city in restoring the land upon which the event is held to a safe and sanitary condition; and (3) pay any extraordinary law enforcement costs incurred by the city which result from or arise out of the operation of the event. The amount of the bond shall be determined on the basis of the number of persons in attendance or reasonably expected to be in attendance at any event, as follows:

300 to 1,000 persons	\$ 300,000
1,001 to 2,500 persons	500,000
2,501 to 5,000 persons	1,000,000

- B. The bond deposited shall be returned to the applicant, when the city clerk-treasurer certifies that no charge for damage or loss may be made against the deposit, or that the charge is less than the cash amount of the deposit and the balance shall be returned.
- C. A waiver of the deposit requirement will be considered under the following conditions:
1. The event has been held without incident or claims in the prior two consecutive years;
  2. The event is sponsored by a local Kalama organization (i.e., Amalaks, Kalama Chamber, Kalama Lions); and
  3. The event sponsor signs a statement of understanding that as sponsor they are liable for any and all extraordinary expenditures incurred by the City arising from the operation of the event that would have been covered by the deposit.

This waiver is for the deposit only and all requirements for liability insurance must still be met.

**5.18.150 - Liability insurance.**

The applicant shall furnish evidence of a liability insurance policy providing for a minimum of one hundred thousand dollars (\$100,000) bodily injury coverage per person; three hundred thousand dollars (\$300,000) bodily injury coverage per occurrence; one hundred thousand dollars (\$100,000) property damage coverage; and naming the City of Kalama as an additional insured.

**5.18.160 - Other applicable laws.**

All event sponsors shall comply with all applicable state and federal laws when holding a special event.

**5.18.200 - Severability.**

If the provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

**Section 7:** Kalama Municipal Code Sections 5.20 Business and Occupation Utility Tax and 5.23 Manufactured Home Park Licensing are unchanged.

**Section 8:** Kalama Municipal Code Section 5.25 Vehicles for Hire is amended to read as follows:

#### **Chapter 5.24 - VEHICLES FOR-HIRE**

##### ~~5.24.010 Supervisory authority.~~

~~The licensing of taxicabs, the examining of the qualifications of applicants to drive taxicabs, and the licensing of drivers as hereinafter provided shall be under the supervision of the city clerk treasurer, and the inspection of taxicabs, inspection and sealing of taxicab meters and the enforcing of the provisions of this chapter shall be under the supervision of the chief of police or designee.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

##### ~~5.24.020 Master license Issuance Term.~~

- ~~A. No taxicab shall conduct business or be operated upon the streets of the city without first obtaining a City of Kalama taxi license to do so.~~
- ~~B. Such license, if issued, shall be for the calendar year and shall be effective for such period of time unless sooner revoked or suspended, as hereinafter provided.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

##### ~~5.24.030 Master license Fee Nontransferable.~~

~~A master license shall be procured by any firm, corporation, partnership, association or individual managing the operation of any taxicab, or taxicabs, within the city. The fee for such master license shall be as established by resolution of the city council; provided however, in case of licenses issued on or after July 1st of each year, only one-half of the abovementioned fees shall be paid. Such licenses shall not be transferable. The initial application shall include a fee covering the costs of background checks, and vehicle inspection fees as set by resolution of the city council.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

##### ~~5.24.035 Master license Application.~~

~~Applicants for such master license shall make application on forms furnished by the city clerk treasurer. Such application shall contain the full name and address of the owner, the type of vehicle and its passenger carrying capacity. No master license shall be issued unless the applicant furnishes satisfactory evidence to the city that the taxicab, or taxicabs, used by such applicant are in a safe and suitable condition for such use, and the applicant passes a background check which indicates that they have a valid driver's license, and have not been convicted of any offense involving moral turpitude nor been convicted within the last three years of any intent to defraud, and~~

~~until such applicant shall furnish proof of compliance to the laws of the state currently enforced or hereinafter enacted relating to motor carrier's bond or insurance in lieu of such bond.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.040 Taxicab driver's license Qualifications.~~

~~A. In addition to the master license heretofore provided for, every person driving a taxicab within the city must be licensed by the city as a taxicab driver. No person shall be issued a for hire driver's license unless he possesses the following qualifications:~~

- ~~1. Must possess a valid state motor vehicle operator's license;~~
- ~~2. Must be the age of twenty-one years or over;~~
- ~~3. Must be able to speak, write and understand the English language;~~
- ~~4. Must not be addicted to and/or use intoxicating liquors or illegal narcotics;~~
- ~~5. Must not have any convictions for serious criminal driving offenses under RCW title 46 within the last five years;~~
- ~~6. Must not have been convicted of any felony offense or crime involving moral turpitude prior to application;~~
- ~~7. Shall submit to fingerprinting in order to conduct a background check as allowed through the state criminal records privacy act under RCW 10.97.050, the state patrol criminal identification system under RCW 43.43.832-43.43.834, and the Federal Bureau of Investigation. These background checks will be done through the state patrol criminal identification section and may include a national check from the FBI which shall be through the submission of fingerprints.~~
- ~~8. Such other conditions as the police chief may require in furtherance of the provisions of this chapter.~~

~~B. Upon receipt of an application the city clerk-treasurer shall forward the application to the chief of police for investigation. He shall investigate the statements contained therein, and may obtain such other information concerning the applicant's character, integrity, personal habits, past conduct, and general qualifications showing the applicant's ability and skill as a driver of a taxicab and his honesty, integrity, and character for the purpose of determining whether the applicant is a suitable person to drive a taxicab with the city. All applications for for-hire driver licenses shall be come null and void after sixty days from the date of filing, if the applicant for any reason fails or neglects to obtain a license.~~

~~C. Persons holding a valid license as of the effective date of the ordinance codified in this chapter shall not be required to reapply to determine compliance with the provisions of this chapter unless the police chief or his designate should determine~~

~~on a case-by-case basis that a currently licensed individual should be subjected to the more stringent background check provided under this chapter.~~

~~D. Persons seeking to renew licenses shall:~~

- ~~1. Sign a release to allow the city to run a drivers license and criminal history verification annually.~~
- ~~2. Taxicab owners shall include vehicle inspection report from a certified licensed mechanic verifying vehicle safety annually.~~

~~(Ord. No. 1219, § 2, 7-16-2008; Ord. No. 1296, § 2, 7-18-2012)~~

~~5.24.050 Taxicab driver's license Fee.~~

~~There shall be an additional annual fee for the taxicab driver's license as established by resolution of the city council. Such license shall not be transferable. The application shall include a fee covering the costs of background checks as set by resolution of the city council.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.060 Taxicab driver's license Issuance.~~

~~Upon satisfactory compliance with the foregoing requirements, there shall be issued to the applicant a license which shall be in such form as from time to time prescribed by the city council. Such license may be renewed from year to year by appropriate endorsement thereon by the city clerk-treasurer.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.070 Licenses and State permits Display.~~

~~Every owner or operator of any taxicab shall at all times carry in such vehicle permits issued by the department of licensing of the state showing such vehicle to be properly bonded for the protection of the public and also the licenses and permits issued pursuant to this chapter.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.080 Vehicle marking required.~~

~~Every taxicab license under the provisions of this chapter, shall have the name of its owner or firm name plainly painted in letters at least two inches in height in conspicuous place on each side of the vehicle.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.090 Vehicle inspection.~~

~~All taxicabs shall be maintained in a condition of continued fitness for public use and to this end an annual inspection report from a certified licensed mechanic will be submitted with the annual license renewal. The city has the right to request vehicle inspections due to complaints or from time to time as they may deem necessary to protect public safety.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.095 - Rate schedule - Filing - Conformance required - Display.~~

~~Every licensee shall, before commencing operation, file with the clerk-treasurer his proposed schedule of rates and charges, which rates shall not exceed those rates and charges set forth in Section 5.24.100 of this chapter. It is unlawful for any licensee to charge any greater sum than is specified by such filed schedule of rates, and it is unlawful to make any discriminatory charges to any person.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.100 - Rate structure.~~

- ~~A. - No person owning, operating or controlling any taxicab within the limits of the city shall charge an amount to exceed the following rates:~~
- ~~1. - For the first one-ninth of a mile or fraction thereof, for one person, two dollars and fifty cents;~~
  - ~~2. - For each succeeding one-ninth of a mile or fraction thereof, thirty cents;~~
  - ~~3. - For each additional passenger, fifty cents;~~
  - ~~4. - For the first three minutes of waiting time, one dollar and fifty cents; for each additional minute of waiting time, fifty cents;~~
  - ~~5. - No charge shall be made for children under six years of age accompanied by parent or guardian;~~
  - ~~6. - Taxicabs operating for hire by the hour shall not charge rates in excess of thirty dollars per hour, including waiting time;~~
  - ~~7. - Rates included above are subject to change by resolution of the city council.~~
- ~~B. - Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called for the time consumed while standing at the direction of the passenger, but no charge shall be made for time lost for inefficiency of the taxicab or its operation, nor for the time consumed by premature response to a call.~~
- ~~C. - No charge, whatsoever, shall be made for any distance traveled prior to actual occupancy of the taxicab by the passenger, nor for any distance traveled after the taxicab has been released by the passenger, regardless of the commencement or finish of the trip made.~~

~~D.— If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab a receipt therefore containing the name of the owner, the driver's city license number, and any items for which a charge is made, together with the total amount paid and the date of payment.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.110— Leasing or subletting prohibited.~~

~~It is unlawful for the holder of a taxicab license to directly or indirectly lease or sublet his business and license to another person or persons for use or operation, and any such action shall be grounds for revocation of the license; provided, however, that nothing contained in this section shall prevent the holder of a valid taxicab license from employing drivers for his taxicabs.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.120— Drivers— Employment restrictions— License revocations.~~

~~A.— It is unlawful for anyone engaged in the business of operating a taxicab to knowingly employ a driver who has within one year prior thereto been convicted of driving any motor vehicle while under the influence of or affected by intoxicating liquors, narcotics or barbiturates.~~

~~B.— If any driver of a taxicab is convicted of driving such vehicle while under the influence of or affected by liquor or narcotics, the for hire driver's license of such driver shall be revoked and he shall not be granted a for hire driver's license for a period of at least one year from the date of such conviction.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.130— Additional passenger— Permission required.~~

~~It is unlawful for any for hire driver to haul any additional passengers when his taxicab has been engaged for hire and is occupied already by a passenger or passengers, except with the permission of such occupying passenger or passengers.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

~~5.24.140— Taximeter— Requirements.~~

~~A.— It is unlawful for any person to drive, operate or engage in the business of operating a taxicab unless the taxicab is equipped with a taximeter which has been inspected and approved by the chief of police. It shall be the duty of the owner, driver or any other person having possession or control of a taxicab to at all times keep such taximeter accurate and in good working condition. Prior to the installation of such taximeter, it shall be approved for operation by the chief of police or the~~

~~chief of police may require the licensee to have such meter tested and inspected by another municipal agency or independent testing laboratory, and upon such approval, a written notice and lead-wire seal shall be plainly posted and attached to the taximeter for the information of the public. Such taxicab meters shall be rechecked and inspected at least annually in the same manner as the original inspection.~~

~~B. It is unlawful for any person to drive, operate or engage in the business of operating a taxicab whenever the lead-wire seal of approval has been broken, cut, removed or is missing.~~

~~C. It is unlawful for any person to fail, resist or refuse the chief of police or his duly authorized agent or representative to test and reinspect the taximeter at any time when so ordered.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

#### ~~5.24.150 Taximeter — Proper positioning of flag.~~

~~It is unlawful for any driver of a taxicab while carrying passengers or under employment to display the flag attached to the taximeter at such a position as to denote that such taxicab is not employed, or to fail to throw the flag of such taximeter at a nonreading position at the termination of each and every service.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

#### ~~5.24.160 Record of trips — Open to public.~~

~~Every person owning or engaged in the business of operating any taxicab shall keep a record of all trips made, together with the information required upon the passenger's receipt provided for in this chapter, which record shall be open for inspection at all reasonable times by the chief of police or city attorney, and shall cause to be carried in such vehicle the permit issued by the department of licenses of the state showing such vehicles to be properly bonded or insured for the protection of the public, and also the licenses and permits issued pursuant to city ordinances.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

#### ~~5.24.170 Licenses suspension and revocation procedures and appeal process.~~

~~A. — Suspension and Revocation. The clerk-treasurer and chief of police are authorized and directed to enforce the terms and provisions of this chapter. If it is determined that any licensee has violated or failed to comply with any provision of this chapter, the clerk-treasurer or chief of police shall make a written record of such findings, specifying therein the particulars of any such violation, and thereupon the license of any such person may be suspended or revoked for a period to be fixed by the clerk-treasurer and chief of police, in which event the license shall be surrendered to the clerk-treasurer. In case of revocation, such license shall be cancelled, and in case~~



~~of suspension, it shall be returned to the licensee after expiration of the period of suspension; provided, however, such revocation for violation of any of the provisions of this chapter shall not relieve the licensee of the penalties otherwise provided for in this chapter.~~

~~B. Appeals. Any licensee whose license is revoked or suspended by the clerk-treasurer or chief of police shall have the right to appeal to the city council from any such order by filing with the city clerk-treasurer a written notice thereof within five days after the entry of the order of revocation or suspension. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. After the filing of such appeal, the city clerk-treasurer shall set a time and place, not more than thirty days from such notice of appeal, for hearing thereon, or such matter may be referred to the city council for hearing. At the hearing the licensee shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the revocation or suspension. Upon filing of notice of such appeal, the city clerk-treasurer and chief of police shall immediately submit to the city council, such records, data, reports and information as they have in their possession supporting their order of suspension or revocation. Immediately after such hearing, the city council shall determine whether the revocation or suspension shall be sustained, and its action in that respect shall be final and conclusive in all respects. From the time of filing the written notice of appeal by the licensee and until the hearing and action thereon by the city council, the order of the city clerk-treasurer and chief of police relative to such suspension or revocation shall be stayed.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

#### ~~5.24.180 Violation Penalty.~~

~~Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding five hundred dollars or by imprisonment for a period not exceeding ninety days, or by both such fine and imprisonment.~~

~~(Ord. No. 1219, § 2, 7-16-2008)~~

#### **5.24.010 Purpose.**

The purpose of this chapter is to provide for the safe operation of taxicab and transportation network companies (TNC) and the proper regulation of the use of city streets for the convenience of the traveling public, and for the safety in the transportation of persons within the city.

#### **5.24.020 Definitions.**

The following terms, for the purpose of this chapter, are defined as follows:

A. "Operating" means using a taxicab or TNC vehicle to at any time transport any passenger or item of property for compensation from a point within the corporate limits of the city.

B. "Special license" shall mean a special license issued to a taxicab company or TNC.

C. "Taxicab" means and includes every motorized vehicle that is held out to the public as providing transportation to passengers or articles:

1. Where the route traveled, destination, or both route and destination are controlled by the customer; and

2. Where the fare is based on an amount recorded and indicated on a taxi meter or an Internet online-enabled platform or application used to connect passengers with drivers or by a special contract rate.

D. "Taxicab company" means any entity operating one or more taxicabs other than as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.

E. "Taxicab business" means engaging in any combination of owning, leasing, advertising, driving, occupying or otherwise using a taxicab to at any time transport any passenger or item of property for compensation from a point within the incorporated limits of the city.

F. "Taxi meter" means a device by which the charge for hire of a taxicab is mechanically and/or electronically measured or calculated based upon a combination of mileage traveled and time elapsed.

G. "Transportation network company," which may be abbreviated herein to "TNC," means a company that uses an Internet online-enabled platform or application to connect passengers with TNC drivers.

H. "Transportation network company drivers" or "TNC driver" means a driver under contract with a TNC company.

I. "Transportation network company vehicle" or "TNC vehicle" means a personal vehicle affiliated with or operating under the authority of a transportation network company where the fare is based on an Internet online-enabled platform or application used to connect passengers with TNC drivers.

#### **5.24.025 Administrative—General and enforcement.**

The city council or designee shall have the primary authority and responsibility for the administration and enforcement of this chapter and may adopt rules and regulations for its administration and enforcement, not inconsistent with this chapter.

#### **5.24.030 Taxicab and transportation network company—Special license.**

A. The clerk/treasurer or designee may issue a special license to a taxicab company or TNC; provided, that the taxicab company or TNC submits an affidavit sworn under penalty of perjury that the taxicab company or TNC is in compliance with standards for vehicle safety, driver training and background, and insurance established under the rules provided for at Section 5.24.040. The special license shall be effective for one year.

B. Annual application review fee shall be in an amount set by resolution of the city council. The application review fee prescribed by this section shall be paid at the time of submitting initial and renewal taxicab company and TNC special license application.

C. Special License Issuance Fee. No taxicab company or TNC special license shall be issued or valid until the application or attestation has been reviewed and approved and the fee prescribed in this section has been paid. The City may accept the review and attestation of compliance provided by another jurisdiction within Cowlitz County so long as the standards of that jurisdiction are substantially similar to the standards set by the City under Section 5.24.040.

D. Independent Contractors. Drivers who are independent contractors, affiliated with special-licensed taxicab companies or TNCs shall obtain a city business license or a determination of exemption as allowed under Chapter 5.04.

#### **5.24.040 Minimum standards for taxicab and transportation network companies.**

All taxicab companies and TNCs operating in the City of Kalama shall comply with minimum standards established by the city administrator or designee by administrative rules established under this section and Section 5.24.025 for:

A. Vehicle safety and maintenance;

B. Driver background and training;

C. Insurance.

The foregoing standards shall generally conform to the best industry practices and be published by the city council or designee on the city website and available upon request.

#### **5.24.050 Proof of compliance with standards—Initial and ongoing compliance review—Audits.**

The clerk/treasurer or his designee in consultation with the city attorney shall prepare a form affidavit or attestation under penalty of perjury which shall certify compliance with this chapter and the rules adopted pursuant to this chapter. All matters sworn to in the affidavit are subject to audit.

#### **5.24.060 Prohibited acts—Penalties.**

Taxicab companies and TNCs and taxi and TNC drivers are jointly and severally responsible for violations of this chapter. In addition to all other provisions and

standards of this chapter, the acts or omissions set forth in this section are prohibited. Any taxicab company and TNC or taxi and TNC driver who shall fail to comply with any provision or standard of this chapter or the standards adopted thereunder shall be in violation of this chapter. Any special license granted to a taxicab company or TNC may be suspended or revoked by the city manager or designee for such violation.

A. Submitting a Materially False Affidavit or Attestation. Any taxicab company or TNC submitting a materially false affidavit as provided for under Section 5.24.050 shall be subject to a fine of not more than ten thousand dollars for each affidavit submitted.

B. Operating without a Special License. Any taxicab company or TNC picking up a passenger in the City of Kalama without having first obtained a taxicab company or TNC special license shall be subject to a fine of not more than ten thousand dollars for each violation.

C. Any taxicab driver or TNC driver picking up a passenger in the City of Kalama that is not operating under a City of Kalama special-licensed taxicab company or TNC shall be subject to a fine of one thousand dollars for each violation.

D. Any independent contractor taxicab driver or TNC driver who picks up a passenger in the City of Kalama and who has not obtained a business license under Chapter 5.02, unless exempt as provided therein, shall be subject to a fine of one thousand dollars for each violation.

E. Any taxicab driver or TNC driver who picks up a passenger in the City of Kalama while operating under a City of Kalama special-licensed taxicab company or TNC company and arranges with the passenger for a subsequent pick-up in Kalama or elsewhere that is not under the authority of a City of Kalama special-licensed taxicab company or TNC, shall be subject to a fine not to exceed one thousand dollars for each violation.

#### **5.24.180 Enforcement and license suspension and revocation procedures— Appeals.**

Enforcement of this chapter, including any penalties assessed hereunder, shall be governed by the provisions of Chapter 1.50. If it is determined that any licensee has violated or failed to comply with any provision of this chapter, the City may suspend or revoke such license for a period to be fixed by the clerk/treasurer or designee. Any licensee whose license is revoked or suspended by the City shall have the right to appeal to the city hearing examiner from any such order by filing with the Clerk/Treasurer or designee a written notice thereof within twenty (20) days after the entry of the order of revocation or suspension.

#### **5.24.190 Violation—Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding one thousand dollars or by imprisonment for a period not exceeding ninety days, or by both such fine and imprisonment.

**Section 9:** Kalama Municipal Code Sections 5.32 Temporary Business Licenses, 5.36 Telephone Business Licensing Regulations, and 5.40 Sexually Oriented Business Activity Licensing Requirements remain unchanged.

**Section 10:** Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 11.** This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of December, 2018

\_\_\_\_\_  
Mayor Mike Reuter

Attest:

\_\_\_\_\_  
Coni McMaster, Clerk/Treasurer

Approved as to form:

\_\_\_\_\_  
City Attorney

Published:

Effective: