

ORDINANCE NO. 610

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING TITLE 5 OF THE WOODINVILLE MUNICIPAL CODE BY AMENDING CHAPTER 5.02 TO CLARIFY WHEN A BUSINESS LICENSE IS REQUIRED; REPEALING CHAPTER 5.03 AND PROVIDING FOR THE RE-ENACTMENT OF REGULATIONS FOR DOOR-TO-DOOR CANVASSERS, PEDDLERS, AND SOLICITORS IN CHAPTER 5.04; ESTABLISHING NEW REGULATIONS FOR PRACTICE OF MASSAGE IN CHAPTER 5.05; REFERENCING FOR CONVENIENCE CHAPTER 17.19 REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES IN CHAPTER 5.07; REPEALING THE REGULATION OF TAXICABS IN CHAPTER 5.09; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, RCW 35A.82.020 permits the City to exercise its police powers to license, inspect, and regulate all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades, professions, and other lawful activity, unless preempted by the state; and,

WHEREAS, the City Council finds it in the best interest of the City and to the public to make modification to Title 5 of the Woodinville Municipal Code establishing licensing regulations for business activities within the City of Woodinville,

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

Section 1. Amendment to Title 5 to the Woodinville Municipal Code. Title 5 WMC is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~. All other provisions of Title 5 shall remain unchanged and in full force and effect.

Title 5 BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.02 Business Registration Licenses**
- 5.03 ~~Business Licenses and Regulations~~**
- 5.04 Door-to-door canvassers, peddlers and solicitors**
- 5.05 Practice of Massage**
- 5.06 Gambling**
- 5.07 Sexually Oriented Businesses (SOB)**
- 5.09 ~~Taxicabs~~**
- 5.50 Cable Television**

Chapter 5.02 BUSINESS REGISTRATION LICENSES

Sections:

- 5.02.010 Chapter and purpose.
- 5.02.020 Definitions – General.
- 5.02.030 Business license required – Posting.
- 5.02.040 Exempt from the City fee.
- 5.02.050 ~~Nonprofit businesses and organizations~~ Exempt from the City Business License.
- 5.02.060 Program application and renewal.
- 5.02.070 License term or expiration.
- 5.02.080 Fee.
- 5.02.090 Late renewal.
- 5.02.100 License denial or revocation.
- 5.02.110 Violation – Enforcement.
- 5.02.120 Rules and rulings.

5.02.030 Business license required – Posting.

(1) Any person or entity that engages in any business, occupation, home occupation or pursuit, including nonprofit activities, in the City shall license that business with the City's program. To license under the program a person must submit an application in accordance with the procedures established by the City and pay the applicable license fee.

~~(2) A business located within the City must be licensed with the program.~~ (2) It is unlawful for any person, firm, corporation or association unless specifically exempted herein, to maintain, conduct or operate any device, vehicle or thing for the purpose of engaging in or operating any business or occupation, or to engage in any business, calling, profession, trade, occupation or activity without first having secured the license to do so, and paying all fees prescribed herein.

(3) A business license shall be posted in a conspicuous location at the place of the business. (Ord. 587 § 2, 2014)

5.02.040 Exempt from the City fee.

Fees adopted by resolution, pursuant to WMC 5.02.080, do not apply to:

(1) The performance of governmental or proprietary functions by any instrumentality of the United States, the State of Washington, or any political subdivision thereof, including City of Woodinville sponsored civic events.

~~(2) The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the City and the only event occurring within the City is a delivery.~~

~~(23)~~ Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only; political groups and organizations as to their political activities only.

Organizations exempt from taxation under 26 USC 501(c)(3) and (4) must register under the business license program, but shall be exempt from paying the license fee. This shall not constitute an exemption from all other applicable taxes and fees, including administration and renewal fees established by the State of Washington, pursuant to RCW 19.02.075. Such organization must be able to show satisfactory proof of such status to the City. (Ord. 587 § 2, 2014)

(4) Minors, a person under the age of 18, engaged in business or operating a business concern where no other person is employed by the minor.

(5) Casual or isolated sales.

(6) Where preempted by Federal or State constitutions or laws. (Ord. 587 § 2, 2014)

5.02.050 Exempt from City Business License Nonprofit businesses and organizations.

Organizations exempt from taxation under 26 USC 501(c)(3) and (4) must register under the business license program, but shall be exempt from paying the license fee. This shall not constitute an exemption from all other applicable taxes and fees, including administration and renewal fees established by the State of Washington, pursuant to RCW 19.02.075. Such organization must be able to show satisfactory proof of such status to the City. (Ord. 587 § 2, 2014)

Licensing requirements and the fees adopted by resolution, pursuant to WMC 5.02.080, do not apply to:

(1) The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the City and the only event occurring within the City is a delivery.

(2) Minors, a person under the age of 18, engaged in business or operating a business concern where no other person is employed by the minor.

(3) Casual or isolated sales.

(4) Where preempted by Federal or State constitutions or laws. (Ord. 587 § 2, 2014)

(5) Real Estate Agents. For the purposes of this chapter, "real estate agent" means a person who is licensed under Chapter 18.85 RCW and whose license is being retained by a broker licensed as a broker under Chapter 18.85 RCW ("designated broker"). Due to the unique legal controls placed upon the real estate agent/broker relationship, a real estate agent whose license is retained by a designated broker holding a currently valid city of Woodinville business license is not required to have his/her own separate business license if the real estate agent engages in no business in Woodinville other than the work with the designated broker and the designated broker includes the real estate agent in counting the number of employees.

Chapter 5.03 BUSINESS LICENSES AND REGULATIONS

Sections:

5.03.010 County codes adopted. Repealed

5.03.020 Modifications. Repealed.

5.03.030 Outdoor musical entertainment permit fee. Repealed.

5.03.040 Door-to-door canvassers, peddlers and solicitors.

5.03.050 Repealed.

5.03.010 County codes adopted.

Repealed by Ord. 610.

The City hereby adopts by this reference the following chapters of Title 6 of the King County Code:

KCC

6.04 Amusement Devices

6.12 Pool and Billiard Tables

6.18 Closing Out Sales

6.20 Dances

6.28 Go-Cart Tracks

6.36 Junk Dealers

6.40 Massage Parlors and Public Bath Houses

6.48 Music Machines

6.52 Outdoor Musical Entertainments, excluding KCC 6.52.030

6.56 Pawnbrokers

6.60 Secondhand Dealers

6.76 Charitable Solicitations

5.03.020 Modifications.

Repealed by Ord. 610.

The above referenced chapters in the King County Code are modified as follows:

(1) References to King County shall be to the City of Woodinville.

(2) References to "Director" shall be to the City Manager or designee.

(3) References in Section 6.01.150 to the King County Board of Appeals shall be to the City of Woodinville Hearing Examiner. (Ord. 51 § 2, 1993)

5.03.030 Outdoor musical entertainment permit fee.

Repealed by Ord. 610.

The basic fee required for outdoor musical entertainment permit, as established in this chapter, shall be set by resolution. (Ord. 94 § 2, 1994)

5.03.040 Door-to-door canvassers, peddlers and solicitors.

(1) Purpose. The City Council finds that the public health, safety and welfare require that the citizens of the City be provided with information relating to persons and organizations who solicit within the City, that such activities be regulated, and that the citizens of the City be protected from deceptive and dishonest practices.

(2) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed in this subsection, except where the context clearly indicates a different meaning:

(a) A "master peddler" is a person or firm which employs or uses agents or employees to act as peddlers, solicitors, or canvassers.

(b) A "peddler, solicitor, or canvasser" is any person who sells, offers for or exposes for sale or who trades, deals or traffics in any services, magazines, periodicals or any other personal property at retail in the City, by going from house to house or by indiscriminately approaching individuals; provided, however, that this subsection shall not be deemed applicable to any salesman or canvasser who solicits trade from wholesale or retail dealers in the City. "Peddle, solicit, or canvass" means to engage in such actions.

(c) "Peddler, solicitor, or canvasser" excludes: (i) members of religious, political, or community organizations engaged in noncommercial door-to-door solicitation activities; (ii) any farmer, gardener, or other person, selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person; (iii) newspaper carriers; and (iv) any person who, after having been requested by another to do so, calls upon that other person at a prearranged time for the purpose of displaying or delivering goods, literature or giving information about any article, thing, product or service.

(3) Business License Required. No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a City business license, as provided in Chapter 5.02 WMC.

(4) Special Peddler's Registration and Permits Required. No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a peddler's permit. To obtain a peddler's permit, an applicant shall complete and submit, upon a form designated by the City Manager, an application for peddler's permit. If approved by the City, each master peddler and peddler, solicitor, or canvasser shall conduct its activities in accordance with the rules specified in WMC 5.04.050.

A peddler's permit shall be valid for a term of six months and shall not be transferable to another party or individual, except upon approval of the City.

The fee for a peddler's permit shall be established by resolution approved by the Woodinville City Council.

(5) Rules of Operation.

List of Peddlers. Any business which conducts canvassing, peddling or soliciting activities must provide a listing of all persons who will be canvassing, peddling or soliciting within the City before they begin peddling activities. The listing must include first, middle and last name, date of birth, and a legible copy of government issued photo identification. The listing must be submitted to the City at least seven days before commencement of any peddling activities.

Approval Required. All canvassing, peddling or soliciting activities must be approved by the City before commencement of said activities.

Display of Business License and Identification. Business licenses and peddler's permits, or copies thereof, shall be carried at all times by each licensee and/or all of the licensee's employees, agents or representatives for whom issued when peddling, soliciting or canvassing within the City and shall be displayed along with photo identification visibly upon their person.

Hours of Peddling. Canvassing, peddling or soliciting activities are only allowed between the hours of 10:00 a.m. to 9:00 p.m.

No Soliciting or Trespassing on Posted Properties. All canvassers, peddlers or solicitors must abide by all posted restrictions on private property for said activities. It shall be unlawful for any peddler, solicitor or canvasser to enter upon any private premises posted with visible signs or other notifications stating "No Peddlers" or "No Solicitors" or "No Canvassers" singularly or in combination with one another.

Written Records of Orders. All orders taken by licensed solicitors shall be in writing, in duplicate, stating the name of the solicitor, as it appears on the license, the solicitor's permit number as issued under this section, the address of both the solicitor and his employer, the terms of the order or agreements, and the amount of money or checks paid to the solicitor. One copy of such order or agreement shall be given to the purchaser.

~~(6) Violations and Penalties. Any violation of these requirements shall constitute a violation subject to the provisions of Chapter 1.03 WMC, General Penalty; and Chapter 1.06 WMC, Civil Infractions. (Ord. 607 § 1, 2015)~~

5.03.050 Civil penalties.

Repealed by Ord. 230. (Ord. 51 § 4, 1993)

Chapter 5.04 **DOOR-TO-DOOR CANVASSERS, PEDDLERS AND SOLICITORS**

Sections:

5.04.010 Purpose.

5.04.020 Definitions.

5.04.030 Business License Required.

5.04.040 Special Peddler's Registration and Permits Required.

5.04.050 Rules of Operation.

5.04.060 Violations and Penalties.

5.04.010 Purpose.

The City Council finds that the public health, safety and welfare require that the citizens of the City be provided with information relating to persons and organizations who solicit within the City, that such activities be regulated, and that the citizens of the City be protected from deceptive and dishonest practices.

5.04.020 Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed in this subsection, except where the context clearly indicates a different meaning:

(1) A "master peddler" is a person or firm which employs or uses agents or employees to act as peddlers, solicitors, or canvassers.

(2) A "peddler, solicitor, or canvasser" is any person who sells, offers for or exposes for sale or who trades, deals or traffics in any services, magazines, periodicals or any other personal property at retail in the City, by going from house to house or by indiscriminately approaching individuals; provided, however, that this subsection shall not be deemed applicable to any salesman or canvasser who solicits trade from wholesale or retail dealers in the City. "Peddle, solicit, or canvass" means to engage in such actions.

(3) "Peddler, solicitor, or canvasser" excludes: (i) members of religious, political, or community organizations engaged in noncommercial door-to-door solicitation activities; (ii) any farmer, gardener, or other person, selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person; (iii) newspaper carriers; and (iv) any person who, after having been requested by another to do so, calls upon that other person at a prearranged time for the purpose of displaying or delivering goods, literature or giving information about any article, thing, product or service.

5.04.030 Business License Required.

No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a City business license, as provided in Chapter 5.02 WMC.

5.04.040 Special Peddler's Registration and Permits Required.

No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a peddler's permit. To obtain a peddler's permit, an applicant shall complete and submit, upon a form designated by the City Manager, an application for peddler's permit. If approved by the City, each master peddler and peddler, solicitor, or canvasser shall conduct its activities in accordance with the rules specified in WMC 5.04.050.

A peddler's permit shall be valid for a term of six months and shall not be transferable to another party or individual, except upon approval of the City.

The fee for a peddler's permit shall be established by resolution approved by the Woodinville City Council.

5.04.050 Rules of Operation.

(1) List of Peddlers. Any business which conducts canvassing, peddling or soliciting activities must provide a listing of all persons who will be canvassing, peddling or soliciting within the City before they begin peddling activities. The listing must include first, middle and last name, date of birth, and a legible copy of government issued photo identification. The listing must be submitted to the City at least seven days before commencement of any peddling activities.

(2) Approval Required. All canvassing, peddling or soliciting activities must be approved by the City before commencement of said activities.

(3) Display of Business License and Identification. Business licenses and peddler's permits, or copies thereof, shall be carried at all times by each licensee and/or all of the licensee's employees, agents or representatives for whom issued when peddling, soliciting or canvassing within the City and shall be displayed along with photo identification visibly upon their person.

(4) Hours of Peddling. Canvassing, peddling or soliciting activities are only allowed between the hours of 10:00 a.m. to 9:00 p.m.

(5) No Soliciting or Trespassing on Posted Properties. All canvassers, peddlers or solicitors must abide by all posted restrictions on private property for said activities. It shall be unlawful for any peddler, solicitor or canvasser to enter upon any private premises posted with visible signs or other notifications stating "No Peddlers" or "No Solicitors" or "No Canvassers" singularly or in combination with one another.

(6) Written Records of Orders. All orders taken by licensed solicitors shall be in writing, in duplicate, stating the name of the solicitor, as it appears on the license, the solicitor's permit number as issued under this section, the address of both the solicitor and his employer, the terms of the order or agreements, and the amount of money or checks paid to the solicitor. One copy of such order or agreement shall be given to the purchaser.

5.04.060 Violations and Penalties.

Any violation of these requirements shall constitute a violation subject to the provisions of Chapter 1.03 WMC, General Penalty; and Chapter 1.06 WMC, Civil Infractions. (Ord. 607 § 1, 2015)

Chapter 5.05 **PRACTICE OF MASSAGE**

Sections:

5.05.010 Definitions.

5.05.020 Massage practitioner's license required.

5.05.030 Exemptions.

5.05.040 Proof of state licensing required.

5.05.050 Violation and penalty.

5.05.010 Definitions.

(1) For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

(a) "Massage," "massage treatment" or "massage therapy" means the external manipulation or pressure of soft tissue of the body of another including, but not limited to, rubbing, kneading, hitting or any other manipulation whether manually or by the use of equipment, machinery, or appliances, with or without the aids of superficial heat, cold, water, lubricants or salts. Massage does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(b) "Massage practitioner" means any person giving massages or massage treatments.

(c) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

(d) "Authorized health care practitioner" has the same meaning as set forth in RCW 18.74.010 (7), i.e., a physician, osteopathic physician, chiropractor, naturopath, podiatrist or dentist licensed by the state of Washington; provided, that massage treatments are within the scope of his state license.

(2) All references herein in the masculine gender shall include the feminine gender, and the feminine the masculine. All references to the singular shall include the plural, and the plural the singular.

5.05.020 Massage practitioner's license required.

It shall be unlawful for any person to practice massage unless:

(1) The massage is given on the licensee's business premises or on premises which are exempt from the provisions of this chapter.

5.05.030 Exemptions.

The provisions of this chapter shall not apply to:

(1) Authorized health care practitioners or their employees;

(2) Massages given in a private residence when no fee, compensation, or any other consideration is charged or paid, directly or indirectly, for such services;

(3) Massage treatments given in a private residence by a massage practitioner who is administering such treatments pursuant to a written prescription from an authorized health care practitioner;

(4) Athletic coaches or trainers giving massages while affiliated with public or private educational institutions or athletic organizations;

(5) Students enrolled in schools of massage performing therein such practices of massage as are incidental to their course of study;

(6) Massage treatments given in any licensed hospital, licensed nursing or convalescent home;

(7) Licensed beauty operators and barbers who perform only such acts of massage as are customarily given in beauty salons and barber shops for purposes of beautification only.

5.05.040 Proof of state licensing required.

No massage practitioner's license or renewal of same shall be issued unless the applicant provides evidence to the satisfaction of the Woodinville finance director or their designee that he holds a current, valid massage practitioner's license issued by the state of Washington pursuant to Chapter 18.108 RCW, as now existing or hereafter amended, or otherwise possesses a current, valid professional license issued by the State of Washington pursuant to RCW Title 18, as now existing or hereafter amended, which authorizes him to give massage treatments. A licensee shall notify the Woodinville finance director or their designee within three business days of receiving any notification from the State of Washington that his license which authorizes him to give massages has been suspended or revoked. Upon receipt of notice from any source that a licensee's state license has been suspended or revoked, the finance director or their designee shall suspend or revoke the licensee's city license until such time as the licensee presents satisfactory proof that his state license has been reinstated.

5.05.050 Violation and penalty.

Any violation of these requirements shall constitute a violation subject to the provisions of Chapter 1.03 WMC, General Penalty; and Chapter 1.06 WMC, Civil Infractions.

Chapter 5.07 **SEXUALLY ORIENTED BUSINESSES (SOB)**

Sections:

5.07.010 Licensing and Permitting Requirements.

5.07.010 Licensing and Permitting Requirements.

See Chapter 17.19 of this code for the licensing and permitting requirements for sexually oriented businesses as defined in section 17.19.030.

Chapter 5.09 **TAXICABS**

Sections:

~~5.09.015 Taxicab license *Repealed*.~~

~~5.09.015 Taxicab license.~~

~~*Repealed by Ord. 610.*~~

~~Pursuant to King County Code Chapter 6.64, Taxis — Businesses and Drivers, all taxicabs operating within the City of Woodinville, within King County, Washington, shall be required to obtain and maintain in full force and effect an operator's license. (Ord. 54 § 1, 1993)~~

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the ordinance title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication. Publication may be by Ordinance Title only.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 8th DAY OF DECEMBER 2015.


Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY


Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 12-08-2015
PUBLISHED: 12-14-2015
EFFECTIVE DATE: 12-21-2015
ORDINANCE NO. 610