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5.04.010 Purpose

The provisions of this chapter shall be deemed an exercise of the power of the City of Richland to license for revenue. (Ord. 83 1.01)

5.04.020 Severability

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 83 1.02)

5.04.030 Definitions

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular include the plural number. The word "shall" is always mandatory and not merely directory. (Ord. 83 2.01)

5.04.040 Business Defined

"Business" is meant to include all kinds of vocations, occupations, professions, enterprises, establishments, including some large non-profit organizations, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in this City, or anywhere else within its jurisdiction. (Ord. 83 2.02, Ord. 19-05)

5.04.050 City Defined

"City" is the City of Richland. (Ord. 83 2.03)

5.04.060 City Council Defined

"City Council" is the City Council of the City of Richland. (Ord. 83 2.04)

5.04.070 City License Officer Defined

"City License Officer" or "License Officer" is the finance manager or designee of the City of Richland. (Ord. 83 2.05: Ord. 1-97).

5.04.080 City Manager Defined

"City Manager" is the City Manager of the City of Richland. (Ord. 83 2.06)

5.04.090 Employee Defined

"Employee" is any natural person who works for salary or wages or on a commission basis. (Ord. 83 2.07)

5.04.100 License Defined

"License" or "licensee" as used generally herein shall include respectively the words "permit," or "permittee," or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this code or other law or code. (Ord. 83 2.08)

5.04.105 License Year

As used herein, "license year" shall be defined as a twelve-month period following the issuance date of the license. The month of issuance of the original license shall be the month of issuance for any subsequent license to the same business and the license year, except in the case where a business has other renewable endorsements with the State of Washington, in which case the Richland license fee renewal date may be prorated to match the date of those endorsements, shall run from the month and day of the original issuance of the license. (Ord. 19-05)

5.04.110 Person Defined

"Person" is meant to include individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law. (Ord. 83 2.09: Ord. 93)

5.04.120 Premises Defined

"Premises" is meant to include all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises. (Ord. 83 2.10)

5.04.125 State Defined

"State" is the Washington State Department of Licensing. (Ord. 17-01)

5.04.130 Occupations Subject to Tax and Amounts

The sum of forty dollars (\$40.00), plus twelve dollars (\$12.00) for each full time equivalent employee in excess of two (2), shall be collected from every person engaged in the occupations of:

- A. **Professions-** To include attorney, accountant, physician, dentist, veterinarian, optometrist, engineer, psychiatrist, psychologist, chiropractor, consultant, architect, private teacher and other professions.
- B. **Retail and wholesale-** To include every person engaged in the business of selling at retail or wholesale ("selling at retail" shall include the providing of competitive telephone service as defined in RCW 82.16.010). Retail shall also include mobile food vendors. For the purposes of this chapter, a mobile food vendor unit is a unit capable of moving or being moved from one location to another, has a Benton-Franklin County food service permit and complies with all health department rules and regulations.
- C. **Services-** To include every person engaged in the business of providing a service such as manufacturing, production, construction, or research or in any business or occupation other than those enumerated above.

- D. **Day Care-** To include home day care (twelve (12) or less children) or day care centers (thirteen (13) or more children). A day care is considered any person who regularly and for compensation provides care during part of a twenty-four (24) hour day. For the purposes of this chapter, persons caring for a child or children in such child's or children's home, whether or not for compensation, and caring for a child or children on a casual or other than regular basis and persons under the age of eighteen (18) years, shall not be deemed to be engaged in the business of a family day care or day care center.

The sum of forty dollars (\$40.00), plus twelve dollars (\$12.00) for each full time equivalent employee in excess of two (2), plus an additional two dollars (\$2.00) for each such person's apartment units, commercial retail/ rental units, houses, storage units or mobile home spaces which are rented or available for rent within the City shall be collected from every person engaged in the occupation of:

- E. **Property Rentals-** Any person having three (3) or more apartment units, houses, commercial retail/rental units or mobile home spaces, or any combination thereof, either rented or available for rent, shall be deemed to be engaged in the business of renting. Each rental of real property with more than four (4) rental units on a single lot or premises shall be deemed a branch establishment or separate place of business for the purposes of this chapter. (Ord. 83 3.01: Ord. 93: Ord. 246 1.01: Ord. 97-79 1.01: Ord. 23-80 1.01: Ord. 73-81 1.02: Ord. 13-90: Ord. 51-94: Ord. 8-96: Ord. 1-97: Ord. 17-01)
- F. **Non-Profit Organizations with Over 20 Employees.** Any non-profit organization located in Richland with more than 20 Richland employees shall be subject to the requirements of RMC 5.04.250. (Ord. 19-05)

5.04.140 Determination of Number of Employees-Part-Time Employees

In determining the license fee to be paid hereunder by each business or occupation, the number of employees shall be the number of employees during the twelve (12)-month period immediately preceding the date of licensing for which the license fee is payable. For the purpose of computing the number of employees, each employee who works more than one thousand two hundred forty-eight (1,248) hours during the twelve (12)-month period shall be counted as one. Where there are employees who have worked less than that number of hours, the total number of hours worked by all such employees shall be added together and divided by one thousand two hundred forty-eight (1,248). The number of employees shall be the total of the number of employees working more than one thousand two hundred forty-eight (1,248) hours during the year plus the figure computed by dividing total man hours of all employees working less than one thousand two hundred forty-eight (1,248) hours by one thousand two hundred forty-eight (1,248). Fractions shall be disregarded. (Ord. 83 3.02: Ord. 1-97: Ord. 19-05)

5.04.150 Determination of Number of Employees-Alternative Method

In determining the license fee to be paid hereunder by each business or occupation, the number of employees may, in place of the method prescribed in Section 5.04.140, be computed by totaling the number of employees employed on the last regular working day of each month of the twelve (12)-month period immediately preceding the date of licensing for which the license fee is payable, and dividing the total by twelve (12). (Ord. 83 3.03: Ord. 93: Ord. 1-97: Ord. 19-05)

5.04.160 Determination of Number of Employees-Employees Working Outside the City

In determining the license fee to be paid hereunder by each business or occupation, employees whose work is primarily performed outside the City shall be disregarded. If a business has its corporate office or administrative headquarters within Richland City limits, and is not paying a license fee to Benton county, said company must pay a license fee for all employees regardless where said employees perform their duties within Benton county. (Ord. 83 3.04: Ord. 93: Ord. 1-97)

5.04.162 Determination of Number of Employees-New Businesses

The license fee or tax to be paid by each business or occupation which commences business during the license year shall be based upon the estimated number of employees of that business or occupation for the remainder of the license year. At the end of the license year, the tax shall be recomputed, based on the number of employees actually employed, and the tax adjusted accordingly. (Ord. 246 1.02)

5.04.170 Compliance Required

It shall be unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise for which a license, or permit, is required by this chapter, without having a license or permit therefor in effect at all times as required by this chapter. The issuance of a license or permit under this

chapter shall not waive or excuse compliance with the provisions of any other ordinance of the City. (Ord. 83 4.01: Ord. 246 1.03)

5.04.180 One Act Constitutes Doing Business

For the purpose of this chapter, any person shall be deemed to be in business or engaging in a nonprofit enterprise as set forth in 5.04.250, and thus subject to the requirements of Section 5.04.130 when he does one act of: (a) selling any goods or service; (b) soliciting business or offering goods or services for sale or hire; (c) acquiring or using any vehicle or any premises in the City for business purposes. (Ord. 83: Ord. 19-05)

5.04.190 Agents Responsible for Obtaining License

The agents or other representatives of nonresidents who are doing business in this City shall be personally responsible for the compliance by their principals and by the businesses they represent, with this chapter. (Ord. 83 4.03)

5.04.200 Separate License for Branch Establishments

A license shall be obtained in the manner prescribed herein for each branch establishment anticipated to be in use more than thirty days as if each such branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with or incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Ord. 83 4.04: Ord. 7-89)

5.04.220 Joint License

A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of such businesses but, when eligible, shall be issued one license which shall specify on its face all such businesses. The fee charged for such license shall be at the highest applicable rate. Services provided by a retail business which are incidental to or ordinarily associated with the retail business shall not be considered as a different or separate business. (Ord. 83 4.06: Ord. 246 1.05)

5.04.230 No License Required for Mere Delivery

No license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at his regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter. (Ord. 83 4.07).

5.04.240 No License Required for Certain Salesmen

No license shall be required in the case of salesmen soliciting orders from manufacturers, wholesalers, jobbers, distributors, or retailers, where no other act of business is done in the City. (Ord. 83 4.08)

5.04.243 Trade Shows, Business Promotions-Special Licenses

- A. Trade shows, business promotions and other temporary activities conducted for the purpose of displaying goods and wares, taking orders, or promoting products and/or services collectively, which do not exceed five (5) continuous days duration, shall be specially licensed by the rate of ten dollars (\$10.00) per exhibitor; provided, however, that the total business license fee for the event shall not exceed two hundred dollars (\$200.00); provided further that the total business license fee for non-profit organizations shall not exceed ten dollars (\$10.00). A non-profit promoter, under this section, shall pay ten dollars (\$10.00) per participating for-profit exhibitor not to exceed the total business license fee of two hundred dollars (\$200.00). The promoter is responsible for the collection and payment of the fee imposed under this section and otherwise in this code.
- B. Richland businesses which are properly licensed and desire to participate in trade shows, business promotions and other temporary activities of the nature described in Section (a) above, shall be issued supplemental licenses, at no cost, which supplemental license allows the Richland business to conduct its activities at the location of the event for which the special license is issued.
- C. Definitions:
 1. Promoter: An individual or organization which initiates and coordinates an event such as trade shows and/or promotional activities.
 2. Trade Shows: An event or promotion consisting of two or more vendors and/or exhibitors. (Ord. 18-88: Ord. 7-89: Ord. 8-96)

5.04.245 Exemptions

The provisions of this chapter shall not apply to:

- A. Any person in respect to a business activity with respect to which tax liability is specifically imposed under the provision of Chapter 5.20.
- B. Any person in respect to insurance business upon which a tax based on gross premiums is paid to the State of Washington; provided, however, that the provisions of this subsection shall not exempt any person engaging in the business of representing any insurance company, whether as general or local agent or acting as broker for such companies: And provided further, that the provisions of this subsection shall not exempt any bonding company from tax with respect to the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.
- C. Any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor.
- D. The lease, rental or sale of real estate: Provided however, that nothing herein shall be construed to exempt from payment of the license fee or tax any business wherein a mere license to use or enjoy real property is granted, or the income of which is derived from commissions on the sale or rental of real estate.
- E. The business of manufacturing, selling, or distributing motor vehicle fuel, as that term is defined in Chapter 58, Laws of 1933, as amended. (RCW Chapter 82.36) (Ord. 246 1.06: Ord. 8-96: Ord. 19-05)

5.04.250 Temporary Special Permits to Nonprofit Enterprise

The City License Officer shall issue special permits, without the payment of any City license fees, to any person or organization for the conduct or operation of nonprofit enterprise, either regularly or temporarily, when he finds that the applicant operates without private profit for a public, charitable, educational, literary, fraternal, or religious purpose. This section shall not apply to non-profit organizations with more than twenty (20) employees and which are public, charitable, educational, literary, fraternal, or religious in nature. Non-profit organizations with twenty-one (21) employees or more, excluding local, state and federal governmental agencies and educational entities, shall obtain an annual business license under the applicable terms of this chapter. However, a profit organization operating under the sponsorship of a nonprofit organization shall pay all applicable license fees or charges; provided, however, that any for-profit organization engaged in a trade show, business promotion or other temporary activity conducted for the purpose of displaying goods and wares, taking orders, or promoting products and/or services, collectively, which do not exceed five continuous days in duration, and which is operating under the sponsorship of a non-profit organization, shall be deemed exempt from this provision and shall be subject instead to the provisions of section 5.04.243 of the Richland Municipal Code dealing with trade shows and business promotions. (Ord. 83 4.09: Ord. 7-89: Ord. 12-89: Ord. 17-01: Ord. 19-05)

5.04.260 Application for Special Permit

An applicant for a special permit shall submit an application therefor to the City License Officer upon forms prescribed by the License Officer, and shall furnish such additional information and make such affidavits as the License Officer shall require. (Ord. 83 4.10)

5.04.270 Special Permittees Must Conform

A person or organization operating under a special permit shall operate his nonprofit enterprise in compliance with this chapter and all other applicable rules and regulations except as provided herein. (Ord. 83 4.11)

5.04.280 City License Officer-Powers and Duties

The City License Officer shall collect City and state license fees and shall issue licenses when applicable in the name of the City to all persons qualified under the provisions of this chapter and shall:

- A. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter.
- B. Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
- C. Require applicants to submit all information necessary to the administration of this chapter.
- D. Submit applications in a proper case, to interested City officials for their endorsements thereon as to compliance by the applicant with all City regulations which they have the duty of enforcing.
- E. Investigate and determine the eligibility of any applicant for a license as prescribed herein.

- F. Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this chapter.
- G. Notify any applicant of the acceptance or rejection of his application and shall upon his refusal of any license or permit at the applicant's request, state in writing the reasons therefor and deliver them to the applicant. (Ord. 83 5.01: Ord. 17-01)

5.04.290 Information Confidential

The License Officer shall keep all information furnished or secured under the authority of this chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this chapter. (Ord. 83 5.02)

5.04.300 Qualifications of Applicants

The general standards in this chapter set out relative to the qualifications of every applicant for a license under this chapter shall be considered and applied by the City License Officer. The applicant shall not be in default under the provisions of this chapter. (Ord. 83 5.03: Ord. 246 1.07)

5.04.310 Procedure for Issuance of License - Formal Application Required

Every person required to procure a license under the provisions of this chapter shall submit an application for such license to the City License Officer or any Unified Business Identifier (UBI) service location. The application shall:

- A. Be in writing upon forms provided by the City License Officer or State of Washington Department of Licensing.
- B. Contain all information necessary to establish compliance with Section 5.04.300 above and any other information which the City License Officer shall find to be reasonably necessary to the fair administration of this chapter.
- C. Be accompanied by the full amount of the fees chargeable for such license. (Ord. 83 5.04: Ord. 17-01)

5.04.320 Issuance of Receipts

Whenever a license cannot be issued at the time the application for the same is made, the City License Officer shall issue a receipt to the applicant for the money paid in advance, subject to the following conditions: such receipt shall not be construed as the approval of the City License Officer for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter or of any other ordinance or of general law. (Ord. 83 5.05)

5.04.330 Renewal License Procedure

The applicant for the renewal of a license shall submit an application for such license to the City License Officer or the State of Washington Department of Licensing. The application shall:

- A. Be a written statement upon forms provided by the State of Washington Department of Licensing. (Ord. 83 5.06: Ord. 17-01)

5.04.340 Duplicate License Procedure

A duplicate license or special permit shall be issued by the License Officer or State of Washington Department of Licensing to replace any license previously issued, which has been lost, stolen, defaced, or destroyed (without any willful conduct on the part of the licensee). (Ord. 83 5.07: Ord. 1-97: Ord. 17-01)

5.04.350 Nonapproval of License-Refund of Fees

The License Officer shall, upon disapproving any application submitted under the provisions of this chapter, refund all City of Richland fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the City. (Ord. 83 5.08: Ord. 17-01)

5.04.360 Nonapproval of License-Applicant Not to Engage in Business

When an issuance of a license is denied and any action is instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same. (Ord. 83 5.09)

5.04.370 Determination of City License Fee-Fee Established

City license fees shall be in the amounts established in Section 5.04.130 and as further determined under this chapter. State administrative fee to be adjusted as reduction to License Fee as established in Section 5.04.130(2), (4) and (5). (Ord. 83 5.10: Ord. 17-01)

5.04.380 Tax and License Period

The tax and license period shall be for one full year. However, in the first year of the application it may be prorated based upon the origination date of a required state license. (Ord. 83 5.11: Ord. 246 1.08: Ord. 17-01)

5.04.385 Utilization of Business License Fee Revenues

A reserve to be known as the Business License Reserve is hereby created. The reserve will be based upon the following formula: An average of the actual prior two years' business license fees revenues will establish the base annually. Of this average figure, twenty-two percent (22%) will be reserved and accumulated annually. Reserves will be utilized to promote business activities for the purposes of core development, tourism, general economic development, capital expenditures for community improvements, and the prevention of blight. (Ord. 17-90: Ord. 18-91: Ord. 15-08)

5.04.386 Organizations Qualified to Use Business License Reserves

Organizations qualified to use the funding reserved and accumulated in the categories as listed above shall include the Tri-Cities Regional Chamber of Commerce, the Tri-Cities Visitors and Convention Bureau, and Business Improvement Districts. These groups shall have as their charter the enhancement of the local business community and the improvement of the environs of the City of Richland. The determination of the appropriate groups to be awarded these funds shall be made by the Richland City Council based upon recommendations to the Council by a Council subcommittee which shall review the applications submitted to them. The Council subcommittee shall develop a set of guidelines for the selection of the recipients; said guidelines to be approved by the City Attorney and accepted by the City Council. (Ord. 17-90: Ord. 15-08)

5.04.387 City of Richland Department Use of Business License Reserves

City of Richland departments are also eligible for use of Business License Reserves for program or capital expenditures that meet the criteria as set forth in Section 5.04.385 and as recommended by the Council subcommittee as set forth in Section 5.04.386. (Ord. 15-08)

5.04.388 Commercial Improvement Program

The City of Richland's Office of Business and Economic Development is authorized to establish and manage a Commercial Improvement Program ("program"). The purpose of the program is to encourage and enhance economic development, and reduce blight in the City. The program shall be funded annually as determined by the process set forth in Section 5.04.386. Use of the funds shall be designated for improvement of commercial areas or properties that exhibit pre-blight conditions as identified by the Council subcommittee established by Section 5.04.386 and for public investment to facilitate private economic development and to limit or eliminate blight. The City's program and participation shall be secured by agreement, such agreement to provide for the city ownership of an interest in the facilities and improvements funded pursuant to the agreement. The City interest in facilities and improvements will be amortized and reduced at the rate of twenty percent (20%) per year for each of five (5) years after the construction or installation of the facility or improvement. The consideration for a program agreement includes but is not limited to the anticipated increase in sales tax received by the City and the avoidance of public expenditure on blighted areas. Program facilities and improvements shall be permanent in nature, within view of a public right of way or property, and shall be maintained in good, clean working condition by the private party for the duration of the agreement. The Council subcommittee established by 5.04.386 shall develop administrative guidelines for the program. Said guidelines shall be reviewed by staff and accepted by the City Council. (Ord. 15-08)

5.04.400 Rebate of Fee-General Prohibition

Except as provided in this chapter, no rebate or refund of any license fee or part thereof shall be made by reason of the nonuse of such license or by reason of a change of business rendering the use of such license ineffective. (Ord. 83 5.13)

5.04.410 Rebate of Fee Collected in Error

The License Officer shall have authority to refund a license fee only where it was collected in error. (Ord. 83 5.14: Ord. 246 1.10)

5.04.430 Contents of License

Each license issued by State of Washington Department of Licensing hereunder shall state upon its face the following:

- A. The name of the licensee and any other name under which such business is to be conducted.
- B. The kind and address of each business so licensed.
- C. The dates of issuance and expiration thereof.
- D. Such other information as the License Officer shall determine to be necessary. (Ord. 83 5.16: Ord. 17-01: Ord. 19-05)

5.04.440 General Obligations of Licensee

Every licensee under this chapter shall:

- A. Keep full and complete records of the number of his employees and the hours worked by each employee.
- B. Permit all reasonable inspections of his payroll records by public authorities so authorized by law at all reasonable times.
- C. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- D. Refrain from operating the license businesses on premises after expiration of his license and during the period his license is revoked or suspended.
- E. Promptly surrender any license certificate when required by the License Officer. (Ord. 83 6.01)

5.04.450 Display of License

Every licensee under this chapter shall:

- A. Display such license in a prominent location upon the licensed premises.
- B. When he has no licensed business premises, carry such license on his person. (Ord. 83 6.02)

5.04.460 Inoperative Licenses, Special Permits

No licensee shall allow any license or special permit to remain posted, displayed or used, after the period for which it was issued has expired; or when it has been suspended or revoked, or for any other reason become ineffective. The licensee shall promptly return such inoperative license or special permit to the License Officer. (Ord. 83 6.03)

5.04.470 Unlawful Possession

No licensee shall loan, sell, give or assign to any other person, or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, except as authorized by the License Officer or by law, any license which has been issued to said licensee. (Ord. 83 6.04)

5.04.475 Change of Business Structure

Changes in business structure shall require a new license application and the payment of fee. Such changes shall include change of ownership, or corporate status, including, but not limited to, as an example, a change from sole proprietorship to a partnership or corporation. (Ord. 1-97)

5.04.480 Change of Location-Notice

A licensee shall have the right to change the location of the licensed business, provided he shall promptly notify license officer of such change of location and the new location is approved by zoning, building inspection divisions and the fire department. (Ord. 83 6.05: Ord. 1-97)

5.04.490 Where Applicant Fails to Keep Records

The License Officer shall make his own determination as to the number of employees for any business where the licensee has failed to keep books and records accurately, showing the number of full-time and part-time employees and the hours worked by each employee. (Ord. 83 6.06)

5.04.500 Investigations

The License Officer shall make or cause to be made all investigations reasonably necessary to the enforcement of this chapter. (Ord. 83 7.01)

5.04.510 Order to Comply-Issuance

When a violation of this chapter or of any other law or ordinance has been reported to the License Officer, he shall issue to the person reported to be in violation an order to comply. (Ord. 83 7.02)

5.04.520 Order to Comply-Notice

The order to comply shall be in writing, shall be served on the licensee and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such order in the United States mail shall constitute service thereof. (Ord. 83 7.03)

5.04.530 Period for Compliance

The order to comply shall require compliance within ten days of serving notice on the affected person. (Ord. 83 7.04)

5.04.540 Hearing

Upon written application by the person affected, before the expiration of the ten-day period for compliance, the License Officer shall order and hold a hearing. Notice of such hearing shall be given the affected person in the manner prescribed in Section 5.04.520. (Ord. 83 7.05)

5.04.550 Modifying Authority of License Officer

Upon written application, or on his own motion, the License Officer shall have the authority, in a proper case, to extend the time for compliance, to grant a new hearing date, and to change, modify or rescind any recommendation or order. (Ord. 83 7.06)

5.04.560 Suspension or Revocation

Upon the refusal or failure of the violator to comply with the initial order, or if an appeal is taken, with any order made after hearing, the License Officer shall have the authority to suspend or revoke the violator's license. No license, however, shall be suspended or revoked until ten days has elapsed from the service of the initial order, and if the violator applies for a hearing under Section 5.04.540, until an order has been made after hearing, and if the violator exercises his right of appeal under Section 5.04.570, until the City Manager has made his findings. (Ord. 83 7.07)

5.04.570 Right of Appeal

Any person aggrieved by any decision of the License Officer after hearing shall have the right to appeal to the City Manager by filing a written appeal with such officer within ten days following the effective date of the action or decision complained of.

Such appeal shall set out a copy of the order or decision appealed from and shall include a statement of the facts relied upon to avoid such order.

At the time of filing any such appeal a copy thereof shall be filed by the appellant with the License Officer. (Ord. 83 7.08)

5.04.580 Hearing

The City Manager shall fix a time and place for hearing the appeal and shall have served a written notice, as provided in Section 5.04.520 upon the appellant informing him thereof. The City Manager shall also give such notice to the License Officer and such officer shall be entitled to appear and defend such order. (Ord. 83 7.09)

5.04.590 Effect of Decision

The findings of the City Manager shall be final and conclusive. (Ord. 83 7.10)

5.04.600 Liability of Violator

The amount of any unpaid fee, the payment of which is required hereunder, shall constitute a debt due the City.

The City Attorney shall, at the direction of the License Officer, institute civil suit in the name of the City to recover any such unpaid fee.

No civil judgment, or any act by the City Attorney, the License Officer, or the violator shall bar or prevent a criminal prosecution for each and every violation of this chapter. (Ord. 83 7.11)

5.04.605 Late Payment

There shall be added to each fee or tax paid, after it has become due, the sum of twenty dollars (\$20.00) or ten percent (10%) of the fee or tax due, whichever is greater. Late payment is to be waived when license renewal is for City license only and not combined with State license renewal. (Ord. 246 1.12: Ord. 51-94: Ord. 1-97: Ord. 17-01)

5.04.610 Violations-Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense. (Ord. 83 8.01: Ord. 17-84: Ord. 1-97: Ord. 06-10)

Chapter 5.12 - Soliciting and Canvassing**Sections:**

- 5.12.010 Purpose**
- 5.12.020 Solicitor or Canvasser Defined**
- 5.12.030 License Required**
- 5.12.040 Application for License-Filed with Finance Manager**
- 5.12.050 Application for License-Contents**
- 5.12.060 Investigation-Character and Business Responsibility**
- 5.12.080 Licenses-Fees-Expirations-Renewals**
- 5.12.110 Revocation of License**
- 5.12.120 Appeal**
- 5.12.130 Orders**
- 5.12.140 License to be Carried**
- 5.12.150 Exclusions**
- 5.12.160 License-Additional**
- 5.12.170 Violations - Penalties**
- 5.12.180 Severability**

5.12.010 Purpose

This chapter is an exercise of the power of the City to license for regulation. (Ord. 97 1.01)

5.12.020 Solicitor or Canvasser Defined

A solicitor or canvasser is defined as any person who goes from house to house, or from place to place, in the City of Richland, selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future, whether such person has, carries or exposes a sample of such goods, wares and merchandise or not, or whether he is collecting advance payment on such sales or not. (Ord. 97 1.02)

5.12.030 License Required

It is unlawful for any person to act as solicitor or canvasser within the City of Richland without first having obtained a license issued pursuant to this chapter. (Ord. 97 1.03)

5.12.040 Application for License-Filed with Finance Manager

Applicants for license under this chapter shall file with the finance manager an application in writing on a form to be prescribed by him. (Ord. 97 1.04: Ord. 1-97)

5.12.050 Application for License-Contents

The application shall contain the following information:

- A. Name and description of the applicant.
- B. Permanent home address and local address of applicant.
- C. A brief description of the nature of the business and the goods to be sold or services to be performed.
- D. If employed by another, the name and address of the employer.
- E. The length of time for which the right to do business is required.
- F. The place of manufacture or production of goods to be offered for sale, the present location of such goods and the proposed method of delivery.
- G. The fingerprints of the applicant.
- H. The names of two reliable persons resident in the state of Washington as references to the good character and business responsibility of the applicant or, in lieu of such references, the means of obtaining evidence as to the applicant's character and business responsibility.
- I. A statement as to any convictions of any crimes, misdemeanors or violations of municipal ordinances, the date, the nature of the offense and the penalty assessed therefor.

The application shall be sworn to by each applicant and shall be accompanied by a fee of ten dollars (\$10.00) to cover the cost of investigation of the facts stated in the application, and if applicant is the employee of another, evidence of the exact relationship between applicant and employer. (Ord. 97 1.05: Ord. 1-97)

5.12.060 Investigation-Character and Business Responsibility

The original of the application shall be referred to the chief of police or designee who shall promptly make an investigation of applicant's character and business responsibility. If applicant's character or business responsibility is found to be unsatisfactory, the chief of police or designee shall endorse on such application his disapproval and the reasons therefor to the finance manager, who shall notify the applicant that his application is disapproved and that no license will be issued. If the chief of police or designee finds that applicant's character and business responsibility are satisfactory, he shall endorse his approval on the application and return it to the finance manager who shall, upon payment of the license fee and the filing of bond, as provided by this chapter, issue the license. (Ord. 97 1.06: Ord. 1-97)

5.12.080 Licenses-Fees

Licenses shall be issued for a period of two (2) weeks. License fees required by this chapter shall be five dollars (\$5.00). (Ord. 97 1.07: Ord. 7-86: Ord. 1-97)

5.12.110 Revocation of License

A license issued under this chapter may be suspended or revoked by the finance manager, or the finance manager may refuse to issue a renewal license after notice and hearing, for any of the following causes:

- A. Fraud, misrepresentation, or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for suspension or revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed or delivered to the licensee at his last known local address. (Ord. 97 1.10: Ord. 1-97)

5.12.120 Appeal

Any person aggrieved by the action of the chief of police or of the finance manager in the denial of a license, or of the finance manager in the suspension or revocation of a license, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the finance manager a written notice thereof within five (5) days after the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. The City Council shall hear the appeal, or may refer the same to a committee for hearing. At the hearing the licensee shall be entitled to appear in person and offer evidence pertinent to the suspension or revocation, and the finance manager shall likewise be entitled to be heard at the hearing and offer evidence in support of his order of suspension or revocation. The City Council shall determine by resolution whether the suspension or revocation shall be sustained, and its action in that respect shall be final and conclusive. (Ord. 97 1.11: Ord. 1-97)

5.12.130 Orders

All orders taken by licensed solicitors shall be in writing in duplicate, stating the name as it appears on the license, and address, of both solicitor and his employer, the terms thereof, and the amount paid in advance, and one copy shall be given the purchaser. (Ord. 97 1.12)

5.12.140 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 shall be requested to do so by any police officer or any person solicited. (Ord. 97 1.13)

5.12.150 Exclusions

This chapter shall not apply to:

- A. Insurance salesmen, or salesmen calling on wholesalers or retailers.
- B. Daily newspaper carriers, whether subscriptions are taken or not.

- C. Any farmer, gardener, or other person selling, delivering or peddling any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state.
- D. Any person selling or delivering milk or milk products, or bakery goods, produced or manufactured in this state, or furnishing to any person of laundry and dry cleaning service.
- E. Any member or members of a religious, charitable, health or welfare, political, service or youth service organization selling or offering to sell goods or service in order to raise funds for the work of such organization and for no other purpose. (Ord. 97 1.14)

5.12.160 License-Additional

The license required by this chapter shall be in addition to any other licenses required by the parent company for which the solicitor represents, general law or the ordinances of the City. (Ord. 97 1.15: Ord. 1-97)

5.12.170 Violations - Penalties

Any person convicted of violating the provisions of this chapter shall be punished by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment for not more than one year (1), or both such fine and imprisonment. (Ord. 97 1.16: Ord. 17-84: Ord. 1-97: Ord. 06-10: Ord. 16-10)

5.12.180 Severability

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 97 1.17)

Chapter 5.13 - Itinerant Merchants**Sections:**

- 5.13.010 Definition**
- 5.13.020 License Required**
- 5.13.030 License Fee**
- 5.13.040 Applications**
- 5.13.050 Regulations**
- 5.13.060 Insurance**
- 5.13.070 Exemptions**
- 5.13.080 Revocation, Suspension and Penalties**

5.13.010 Definition

For the purpose of this ordinance an itinerant merchant shall be defined as a person who intends to be in business in Richland for a period of time less than thirty days from the date of obtaining a license. The fact that a merchant does not have telephone, water, sewer or electrical service to the site of business shall be prima facie evidence of the intent to remain in business for a period of time less than thirty days. (Ord. 22-88)

5.13.020 License Required

No itinerant merchant shall expose for sale, deliver, or sell any goods or services or offer or take orders for sale or delivery without first procuring a license under this chapter. Such license shall not be valid for more than thirty days from date of issuance. (Ord. 22-88)

5.13.030 License Fee

The license fee for an itinerant merchant's license shall be as set forth in Chapter 5.04.130(3). (Ord. 22-88)

5.13.040 Applications

Each application for license under this chapter shall submit the following:

- A. His permanent address and address of his principal or supplier;
- B. A statement that he will conduct business from a fixed location within the City, and the address from which business will be conducted.
- C. A description of the nature and type of goods, merchandise or produce to be sold;

All applications shall be subject to review by the police services department who shall perform a warrant check of the applicant and report back within three working days. A finding in this investigation that the applicant has engaged in fraudulent or deceptive trade practices shall be grounds for denial of a license. (Ord. 22-88: Ord. 7-89: Ord. 07-09)

5.13.050 Regulations

- A. Noise. No itinerant merchant shall use any excessive noisy device to attract attention to his wares. Noise levels shall conform to the requirements of Chapter 173-60 of the Washington Administrative Code-Maximum Environmental Noise Levels which, in turn, are set forth in RMC 23.32.035(5). The itinerant merchant shall not shout or call his wares in a loud, boisterous manner.
- B. Sanitation. All conveyances and receptacles used by peddlers to carry food stuffs or other edibles shall be kept in a clean and sanitary condition and all foodstuffs and other edibles shall be protected from dirt, dust, insects and other contamination.
- C. Standing. No itinerant merchant shall stand or allow his vehicle to stand upon any public way at any time and any temporary merchant must exhibit to the City of Richland written permission from the property owner or person in control of property on which the itinerant merchant will locate his booth, stand, or vehicles, as a condition precedent to the issuance of a license to operate. (Ord. 22-88)

5.13.060 Insurance

As a condition precedent to the issuance of a license to conduct business as an itinerant merchant under this chapter, an applicant must obtain and retain a minimum of \$500,000 public liability and property damage insurance, which shall include product liability coverage, naming the City as an additional insured. (Ord. 22-88)

5.13.070 Exemptions

The following are not required to obtain itinerant merchant's license:

- A. Persons selling agricultural food products and persons selling trees commonly utilized for the Christmas holiday celebration when such persons are otherwise eligible for a license under the provisions of Chapter 5.04 of the Richland Municipal Code.
- B. Persons who by definition are not itinerant merchants, have a currently valid City business license, and are operating a temporary site in conjunction with their established business or as a licensed concessionaire vendor.
- C. Artisans who produce their own art or craft work and are invited to exhibit and sell their art and craft work as a part of an event sponsored by a registered non-profit organization licensed to do business in Richland, or are invited to exhibit and sell their art and craft work as a part of an event sponsored by a for-profit merchants organization, the members of which are licensed to do business in Richland.
- D. Vendors of prepared foods who are invited to sell their products as a part of an event sponsored by a registered non-profit organization licensed to do business in Richland or are invited to sell their products as a part of an event sponsored by a for-profit merchants organization, the members of which are licensed to do business in Richland.
- E. Mobile vendors of food products, dispensing their products from motorized units, and eligible for a license under the provisions of Chapter 5.04 of the Richland Municipal Code.
- F. The sale of fireworks by registered non-profit organizations licensed to do business in the City of Richland; provided that such sales shall comply with all other applicable statutes, ordinances and regulations governing such sales.
- G. Solicitors eligible for a license under the provisions of Chapter 5.12 of the Richland Municipal Code.
- H. Persons or businesses who qualify under the provisions of Section 5.04.243 of the Richland Municipal Code dealing with special licenses for trade shows and business promotions. (Ord. 22-88: Ord. 07-09)

5.13.080 Revocation, Suspension and Penalties

A violation of any of the provisions of this title shall be grounds for revoking, suspending or refusing to issue any license under this chapter. The conducting of any fraudulent, illegal or other deceptive practice shall likewise be grounds for revocation of the license. If the issuing officer finds that suspension or revocation are unwarranted and the violation is no longer continuing or that the licensee is no longer residing in Benton County he may assess a penalty of not less than \$25.00 nor more than \$500.00 and order restitution if warranted. Appeals and hearings shall be conducted pursuant to Sections 5.04.540 through 5.04.590 of the Richland Municipal Code. (Ord. 22-88)

Chapter 5.14 – Sidewalk Use License

Sections:

- 5.14.010 Definition**
- 5.14.020 License Required**
- 5.14.030 Application**
- 5.14.040 Uses Allowed**
- 5.14.050 Terms and Conditions**
- 5.14.060 Liquor**
- 5.14.070 Public Hearing Required for Sidewalk Use License**
- 5.14.080 Return of Sidewalk to Original Condition**
- 5.14.090 Release of Liability, Surety and Insurance**
- 5.14.100 Sidewalk Condition**
- 5.14.110 Vested Rights not Created**
- 5.14.120 Compensation**
- 5.14.130 Design and Placement Standards**

5.14.010 Definitions

- A. "Air space" means the vertical area above City sidewalks or right-of-way that is projected upon by private signs, building elements, canopies, awnings, flags, banners, antennae, or overhead pedestrian walkways.
- B. "Allowed Merchandise" are products permitted for sale in the adjoining zoning district.
- C. "Decoration" refers to privately owned objects placed on City-owned sidewalks including, but not limited to seasonal ornament displays, lighting, flags, landscape planters and artwork.
- D. "Merchandise Display" means to place objects for sale by an adjoining, licensed business operating on private property on a City-owned sidewalk.
- E. "Sidewalk Cafe" means an open-air seating area on a public sidewalk provided by an eating or drinking establishment located on the adjoining property and delineated by a fixed, semi-permanent enclosure such as a rail, wall or other partition.
- F. "Sidewalk Furniture" means any temporary and unaffixed improvements used as seating, tables, weather protection, or signage.
- G. "Surety Instrument" means a performance bond supplied by a licensee to guarantee the return of City property in an original, pre-license condition.
- H. "Vending Cart" is a non-motorized cart used to prepare, store and sell food products.
- I. "Newsstands and Mail Services" are facilities intended to distribute newspapers, magazines and other literature or other facilities providing mail and package drop-off services. (Ord. 09-09)

5.14.020 License Required

The Community Development Department will issue licenses for limited use of the City's sidewalks and airspace. It shall be unlawful to utilize City sidewalks and right-of-ways, and air space over the sidewalks and right-of-ways without a license. Decoration, merchandise display, sidewalk furniture, newsstands and mail services are not subject to the license requirement but remain subject to the remaining standards of this chapter. (Ord. 09-09)

5.14.030 Application

An application for a sidewalk use license shall be made available from the Community Development Department. A completed application including all necessary supporting plans and diagrams will initiate a maximum 60-day review period. There will be a \$200 fee for the license. (Ord. 09-09)

5.14.040 Uses Allowed

Subject to the conditions and limitations set forth in this chapter, the City will allow use of city-owned sidewalks or fee simple public property, by property or business owners for newsstands and mail services and by adjoining property or business owners for merchandise display, decoration, sidewalk cafes, sidewalk furniture, vending carts, and air space intrusions. In no circumstance will uses or encroachments be allowed within right-of-way or fee simple property utilized by vehicular traffic. (Ord. 09-09)

5.14.050 Terms and Conditions

- A. The Community Development Department may issue a sidewalk use license only if:

1. The applicant is the owner of the adjoining property or business or is a designated representative, except for newsstands and mail service applications;
 2. The proposed use would not unduly and unreasonably impair passage to and fro by the public on the sidewalk for which the license is sought and is consistent with the design standards contained herein; and
 3. Proposed sidewalk cafe users obtain an approved food-service establishment permit issued by the Benton-Franklin Health Department and a liquor license by the State of Washington Liquor Control Board, if applicable, and that said permits include the sidewalk use area, prior to issuance of a sidewalk use license.
- B. The Community Development Department may include in the license such terms and conditions as the Department may deem appropriate to satisfy applicable local, state and federal standards in addition to; general compatibility of the proposed sidewalk with the existing neighborhood, special events, and public access, high visual quality; and facilitation of a harmonious relationship between the public and private sectors. Conditions attached to a license approval may include, but are not limited to the following:
1. Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use;
 2. Provisions that the licensee shall maintain the adjoining sidewalk in a clean and safe condition for pedestrian travel;
 3. A requirement that the licensee clear the sidewalk as may be reasonably necessary to accommodate deliveries to adjacent or other nearby properties;
 4. Regulations upon lighting and illumination of the sidewalk cafe; limitations upon noise; and restrictions upon the placement of equipment;
 5. The prompt repair of damaged or failing improvements that present a safety risk to the public;
 6. Collection of indemnity documentation, insurance, and/or surety instruments as contained herein.
 7. Duration of the license and renewal procedure
 8. A requirement that furniture, equipment, and other appurtenances related to sidewalk uses remain clean, in good repair and sightly.
- C. Unless expressly authorized by the City no pavement shall be broken, no sidewalk surface disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk use.
- D. The Community Development Department may suspend or revoke the permission granted if an applicant violates this title, any implementing rules, or the terms and conditions of the permit not sooner than 10 calendar days following written notice of intent to suspend or revoke the license. Suspension or revocation of a sidewalk use license is appealable to the City Manager consistent with RMC 5.04.560. (Ord. 09-09)

5.14.060 Liquor

Liquor, as defined in RCW 66.04.010(16), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the sidewalk use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise. (Ord. 09-09)

5.14.070 Public Hearing Required for Sidewalk Use License

Proposed sidewalk cafes and use of public air space shall require a public hearing. Notice of public hearing shall be published at least once in the official newspaper of the City. In addition, written notice shall be mailed to the owner or owners of the property involved, and to all property owners of record within a radius of three hundred feet of subject property pursuant to a title insurance company report required by Section 23.70.190. Both published and mailed notices shall be given at least ten days in advance of the public hearing. The notice of hearing shall also be affixed to the property to be clearly seen from the proposed sidewalk use area at least ten days in advance of the public hearing.

The notice of a public hearing required in this chapter shall at a minimum contain: the name of the applicant; the nature of the proposed use including a diagram clearly delineating the sidewalk, pedestrian circulation, proposed outdoor seating area, any fence, wall or partition wall, any proposed overhead projections into the City's air space, and adjoining buildings and; description of the affected property, which may be in the form of either a vicinity map or written description, reasonably sufficient to inform the public of its location; the date, time and place of the hearing; a statement that all interested persons may appear and provide testimony and the location where information may be examined prior to the hearing.

The Planning Commission shall conduct an open record public hearing and shall issue a decision by a recorded motion, which shall incorporate the findings of fact of the Commission and the reasons for its action; and the motion shall refer expressly to the maps, description and other matters intended by the Commission to constitute approval. The Planning Commission's findings of fact shall be based on: general compatibility of the proposed sidewalk use with the existing neighborhood, special events and pedestrian access; coordination with state and local regulations for liquor consumption and food establishments, and assurance that the public is protected via appropriate insurance and surety instruments.

Any sidewalk use license decision made by the Planning Commission shall be subject to appeal to the City Council. (Ord. 09-09)

5.14.080 Return of Sidewalk to Original Condition

The Licensee shall return the sidewalk to original, pre-license condition at no cost to the City at the time a license expires or the sidewalk use ceases. (Ord. 09-09)

5.14.090 Release of Liability, Surety and Insurance

- A. Release of Liability. All persons utilizing the city sidewalk for air space, sidewalk cafe, and/or vending carts shall release the City from liability on a form available from the Community Development Department in writing and acknowledged by the applicant, to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk use. In addition, such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty (30) days' notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this title, the same may be revoked and the improvements shall be removed by the licensee immediately or by the City using associated surety instrument, if any, at the discretion of the Community Development Director or designee.
- B. Surety Instrument. Certain sidewalk uses will require the licensee to post a surety bond to ensure the return of the sidewalk to an original, pre-license condition.
- C. Insurance. Sidewalk Cafes shall in addition to releasing liability and providing a surety instrument also extend private commercial building insurance to include the sidewalk use area allowed in an associated license and name the City of Richland as an additional insured and provide \$1,000,000 of accident coverage per incident. Said insurance shall include a provision prohibiting cancellation or reduction in coverage of policy except upon 30 days prior written notice to the City. The amount of insurance coverage may be adjusted annually by the City and notice of such adjustment shall be given in writing to the licensee. A sidewalk use license for a sidewalk cafe will be revoked if the necessary private insurance does not remain in full effect.

The Community Development Director shall require such release of liability, license, surety instrument and/or private insurance as follows (Y = yes and N = no):

Type of Use	Release of Liability	License Required	Surety Instrument	Private Insurance	Public Hearing
Air Space	Y	Y	N	Y	Y
Decoration	N	N	N	N	N
Newsstand & Mail Services	N	N	N	N	N
Merchandise Display	N	N	N	N	N
Sidewalk Café	Y	Y	Y*	Y	Y
Sidewalk Furniture	N	N	N	N	N
Vending Cart	Y	Y	N	Y	N

* If substantial modifications are made to City property, that are undesirable if the use ceases. Surety instrument, if required, shall be 115% of the estimated cost to revert the improvement to a pre-license, original condition as determined by the City Engineer. (Ord. 09-09)

5.14.100 Sidewalk Condition

The applicant shall comply with the terms and conditions of the sidewalk use license issued and maintain the sidewalk clean and free of debris, refuse, stains, and in a safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the Community Development Director or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives for matters of public safety, health and welfare. (Ord. 09-09)

5.14.110 Vested Rights Not Created

The grant of sidewalk uses pursuant to this chapter shall be subject always to the City's ownership of the right-of-way and the public health, safety, convenience and necessity. Grant of a sidewalk use shall not constitute a street vacation. No vested rights shall be created by grant of any sidewalk use. Such limitation shall be prominently displayed on all permits issued pursuant to this chapter. (Ord. 09-09)

5.14.120 Compensation

Authorized sidewalk uses benefit the public by offering an active and pleasing streetscape environment and no compensation is therefore required. (Ord. 09-09)

5.14.130 Design and Placement Standards

- A. Exceptions. Sidewalk uses are expected to meet these design standards except in cases where special accommodation is made by the city via contract, special event permit, or other approval.
- B. Pedestrian clear area. Sidewalk uses shall be placed so as to maintain at least five feet in width of unobstructed pedestrian travel and no more than 30 degree changes of direction around uses. The pedestrian clear area does not include the radius for the door openings of buildings.
- C. Separation from curb. Sidewalk uses may be placed adjacent to buildings and not closer than two feet from the curb and shall accommodate the pedestrian clear area. In all cases, the Intersection Sight Distance, as required in RMC 12.11, shall be met.
- D. Fencing. Unless otherwise determined by the Community Development Director, any containment of outdoor cafes shall be limited to 36 inches high maximum and shall allow at least 50% visibility.
- E. Overhead use of City airspace. No projection of private building elements, signage, antennae, flags, banners, awnings, canopies, or overhead pedestrian walkways shall occur lower than 10 feet as measured vertically from sidewalk grade and shall meet Washington State Department of Transportation clearance standards for particular street classifications.
- F. Allowable sidewalk use area. Only portions of the sidewalk that directly adjoin a property for which a license is sought are eligible for use, except sidewalks used for newsstands and mail services.
- G. Any vending cart shall be removed from the City right-of-way daily.
- H. Newsstands and mail delivery services shall not: impair loading; hinder egress from parked vehicles; open toward the roadway if located on the curbside of the sidewalk; obscure signage; be fastened to any public utility poles, signs or equipment; contain advertising other than that which relates exclusively to the publication sold or distributed; or; be used for purposes other than the sale and distribution of such publications. (Ord. 09-09)

Chapter 5.15 - Teenage Dance Halls and Roller Skating Rinks**Sections:**

- 5.15.010 Definitions**
- 5.15.020 Closing Times**
- 5.15.030 Conditions of Premises-Lighting**
- 5.15.040 Miscellaneous Regulations**
- 5.15.050 Violations - Penalties**

5.15.010 Definitions

"Dance hall," as used in this chapter, means any building, room, hall, or any other place which is kept or used for public dancing, or in which for compensation paid directly or indirectly to the owner, proprietor, manager or operator thereof, individuals are permitted to engage in dancing and where individuals under the age of twenty-one years are regularly admitted.

"Skating rink," as used in this chapter, means any building, room, auditorium, hall or other place which is maintained and used for public roller skating, in which for compensation paid directly or indirectly to the owner, proprietor, manager or operator thereof, individuals are permitted to engage in roller skating and where individuals under the age of twenty-one years are regularly admitted. (Ord. 423 1.01)

5.15.020 Closing Times

All dance halls shall be closed by twelve-thirty a.m. and shall remain closed until noon and all skating rinks shall be closed by midnight and shall remain closed until nine a.m., provided that upon application and for good cause shown the City Manager may grant permission to the owner or operator of a dance hall or skating rink to vary the closing and opening hours. It is contemplated that such provision will only be granted on special occasions such as for graduation activities or on New Year's Eve or for like events. (Ord. 423 1.01: Ord. 438 1.01)

5.15.030 Condition of Premises-Lighting

Every dance hall and skating rink shall at all times be kept in a clean, healthful, sanitary condition and all stairways, halls, passages and rooms connected with the dance hall or skating rink shall be kept open and well lighted. Every dance hall and skating rink shall be lighted in such a manner and to such an extent as is usual or customary for lighting of halls or rooms of like dimensions for public assemblies before any person is admitted thereto and before any dancing or skating is commenced therein; provided, however, that the intensity of the illumination shall at no time be less than one foot-candle at a plane of three feet above the floor of the hall or rink at all times thereof; the lighting or illumination shall be maintained thereafter throughout the entire time the dance hall or skating rink is open or dancing or skating is in progress therein and during any recess or other intermission, without diminution and without interruption until the activity is concluded and until the hall or skating rink is cleared and closed. (Ord. 423 1.01: Ord. 438 1.01)

5.15.040 Miscellaneous Regulations

- A. No minor admitted to a teenage dance or skating rink shall be permitted to leave and thereafter re-enter the premises during the course of the event and no pass out checks shall be issued save and except in emergencies and when authorized specifically by the person in charge of the dance.
- B. No alcoholic beverages shall be sold, consumed, or available on the premises in or about which any dance or skating rink activity is being held. Admission to a dance hall or skating rink shall be denied to any person showing evidence of drinking any alcoholic beverage or who has any alcoholic beverage on his person.
- C. Sufficient adult supervision shall be provided by the sponsor at all activities to insure that accepted standards of social conduct are followed and at any dance hall a matron or floor lady must be on duty at all times during which the premises is being used.
- D. No person shall be permitted to smoke or carry in his hand a lighted cigar, cigarette or pipe on the premises in or about which any dance or skating rink activity is being held, except in any smoking room provided for such purpose and connected with the dance hall or skating rink. (Ord. 423 1.01)

5.15.050 Violations - Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 423: Ord. 17-84: Ord. 06-10)

Chapter 5.16 - Admission Taxes

Sections:

- 5.16.010 Definitions**
- 5.16.020 Tax Levied**
- 5.16.030 Exemptions-Generally**
- 5.16.040 Exemption-Schools**
- 5.16.050 Cover Charge-Payment for Refreshments**
- 5.16.080 Price to Show on Ticket**
- 5.16.090 Collection of Tax**
- 5.16.100 Remittance of Tax Collected**
- 5.16.110 Tax Returns**
- 5.16.120 Temporary or Transitory Events>Returns**
- 5.16.130 Examination of Books and Records**
- 5.16.140 Delinquent Payments-Penalty**
- 5.16.150 Director to Adopt Rules and Regulations**
- 5.16.160 Violations - Penalties**
- 5.16.170 Severability**
- 5.16.180 Ordinance Repealed-Savings Clause**

5.16.010 Definitions

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

- A. **ADMISSION CHARGE:** "Admission charge" in addition to its usual and ordinary meaning includes:
 - 1. A charge made for season tickets and subscriptions;
 - 2. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- B. **DIRECTOR:** "Director" means the support services director.
- C. **PERSON:** "Person" means any individual, receiver, assignee, firm, copartnership, joint venture, corporation, company, joint stock company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.
- D. **PLACE:** The term "place" includes, but is not restricted to, theaters, dance halls, amphitheatres, auditoriums, stadiums, baseball and athletic parks, circuses, pavilions and fields other than golf courses, side shows, outdoor amusement parks, and such attractions as merry-go-rounds, Ferris wheels, and other amusement rides.
- E. **SUBSCRIPTION:** The term "subscription" includes, in addition to its usual and ordinary meaning, annual membership dues or fees in an organization whose principal purpose is to present theatrical or musical performance for its members. (Ord. 122 1.01: Ord. 39-82 1.01: Ord. 62-82 1.01)

5.16.020 Tax Levied

There is levied and imposed upon every person who pays an admission charge of more than ten cents to any place, a tax of one cent on each twenty cents or fraction thereof of the admission charge paid.

Amounts paid for admission by season ticket or subscription shall be exempt only if the amount which would be charged to the holder or subscribed for a single admission is ten cents or less.

No tax shall be levied on any person who is admitted free and from whom no compensation payment is obtained. The tax on reduced admission charges shall be charged on such reduced charge and not on the regular admission charge. (Ord. 122 1.02: Ord. 84-74 1.01)

5.16.030 Exemptions-Generally

The provisions of this chapter shall not apply to admission charges for an event or activity conducted or held by any bona fide charitable or nonprofit organization when all the net proceeds, after payment of the cost and expense of conducting such event, inure to such organization for the purposes thereof.

The term "bona fide charitable or nonprofit organization" as used in this section means any organization duly existing under the provisions of RCW Chapters 24.12, 24.20 or 24.28, any agricultural fair authorized under the provisions of RCW Chapters 15.76 or 36.37, or any nonprofit corporation duly existing under the provisions of RCW Chapter 24.03 for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes, or any nonprofit organization or

association, whether incorporated or otherwise, when found by the support services director to be organized and operating or conducting an event or activity for one or more of the above-listed purposes. (Ord. 122 1.03: Ord. 26-79 1.01)

5.16.040 Exemption-Schools

The provisions of this chapter shall not apply to admission charges paid for any activity of any elementary or secondary school. (Ord. 122 1.04)

5.16.050 Cover Charge-Payment for Refreshments

Any person who pays an admission charge to any public performance for profit at any roof garden, cabaret or other similar entertainment to which the charge of admission is wholly or in part included in the price paid for refreshments, service or merchandise, shall pay a tax of three cents on each forty cents or fraction thereof of the admission charge paid, and the amount paid for such admission shall be deemed to be twenty percent of the amount paid for refreshment, service or merchandise.

If a fixed admission charge, including a cover charge, is imposed upon each person admitted, and it is fair and reasonable in comparison with charges generally made for similar performances or entertainment, such charge is taxable in an amount equal to three cents on each forty cents or fraction thereof of the admission charge paid; provided, that if no fixed admission charge or cover charge is imposed, an admission charge shall be deemed included in the price paid for refreshments, service or merchandise, and twenty percent of the total amount so paid shall be subject to the tax at the rate of three cents on each forty cents or fraction thereof. (Ord. 122 1.05: Ord. 489 1.01)

5.16.080 Price to Show on Ticket

The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained; and it shall be unlawful for any person to sell an admission ticket or card on which the name of the vendor or the price is not so printed, stamped, or written, or to sell an admission ticket or card at a price in excess of the price printed, stamped or written thereon. (Ord. 122 1.08)

5.16.090 Collection of Tax

Every person receiving any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the director of finance as herein provided. Any person required to collect the tax imposed under this chapter who fails to collect the same, or, having collected the same, fails to remit the same to the director of finance in the manner prescribed by this chapter, whether such failures be the result of his own act or the result of acts or conditions beyond his control, shall nevertheless be personally liable to the City for the amount of such tax, and shall, unless the remittance be made as herein required, be guilty of a violation of this chapter. (Ord. 122 1.09)

5.16.100 Remittance of Tax Collected

The tax imposed hereunder shall be collected at the time the admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the director of finance in monthly installments and remittances therefor on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax is collected or approved; provided, that the first return and remittance under this chapter shall be made on or before the 15th day of July, 1960, and shall cover the period from the effective date of this chapter, to, and including June 30, 1960. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the director of finance, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the City Treasurer unless the check is honored and is in the full and correct amount. (Ord. 122 1.10)

5.16.110 Tax Returns

The person receiving any payment for admission shall make out a return upon such forms and setting forth such information as the director of finance may require, showing the amount of the tax upon admission for which he is liable for the preceding monthly period, and shall sign and transmit the same to the director of finance with a remittance for said amount; provided, that the director of finance may in his discretion require verified annual returns from any person receiving admission payments setting forth

such additional information as he may deem necessary to determine correctly the amount of tax collected and payable. (Ord. 122 1.11)

5.16.120 Temporary or Transitory Events>Returns

Whenever any theater, circus, show exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature, of which the director of finance shall be the judge, the director of finance may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as the director of finance shall determine; and failure to comply with any requirement of the director of finance as to report and remittance of the tax as required shall be a violation of this chapter. (Ord. 122 1.12)

5.16.130 Examination of Books and Records

The books, records and accounts of any person collecting a tax herein levied shall, as to admission charges and tax collection, be at all reasonable times subject to examination and audit by the Director of Finance. (Ord. 122 1.13)

5.16.140 Delinquent Payments-Penalty

If payment of any tax due is not received by the director of finance on or prior to the date that the same becomes due and payable under the provisions of this chapter, there shall be added to the tax a penalty of ten per cent of the amount of the tax due; provided that no such penalty shall be less than one dollar. (Ord. 122 1.14)

5.16.150 Director to Adopt Rules and Regulations

The director of finance shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection, and remittance of the tax herein levied, and a copy of said rules and regulations shall be on file and available for public examination in the office of the director of finance. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter. (Ord. 122 1.15)

5.16.160 Violations - Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 122 1.17: Ord. 17-84: Ord. 06-10)

5.16.170 Severability

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 122 1.16)

5.16.180 Ordinance Repealed-Savings Clause

Temporary Ordinance No. 24, providing for the levying and collection of admission taxes, passed on March 23, 1959, is hereby repealed, provided that any tax collected under said ordinance prior to the effective date of this chapter shall be reported and remitted to the director of finance on or before the fifteenth day of the month following the month in which it was collected, whether or not such date is after the effective date of this chapter. (Ord. 122 1.18)

Chapter 5.20 - Utility Occupation Tax

Sections:

- 5.20.010 Exercise of Power to License for Revenue
- 5.20.020 Definitions
- 5.20.030 Occupation License Required
- 5.20.040 Occupation Subject to Tax-Gas System-Amount
- 5.20.050 Occupation Subject to Tax-Telecommunications Companies-Amount
- 5.20.055 Allocation of Income-Cellular Telephone Service
- 5.20.060 Occupation Subject to Tax-Water Systems-Amount
- 5.20.070 Occupation Subject to Tax-Sewer System-Amount
- 5.20.075 Occupation Subject to Tax-Storm Water System-Amount
- 5.20.080 Occupation Subject to Tax-Refuse Removal-Amount
- 5.20.090 Occupation Subject to Tax-Television Cable-Amount
- 5.20.100 Occupation Subject to Tax-Electrical Utilities-Amount
- 5.20.105 Occupation Subject to Tax-Ambulance Utility-Amount
- 5.20.110 City of Richland Subject to Tax
- 5.20.130 Application or Return for License
- 5.20.140 Payment of Tax
- 5.20.150 Books and Records to be Kept>Returns Confidential
- 5.20.160 Violations - Penalties
- 5.20.170 Severability
- 5.20.180 Ordinances Repealed-Savings Clause

5.20.010 Exercise of Power to License for Revenue

The provisions of this chapter shall be deemed an exercise of the power of the City of Richland to license for revenue. (Ord. 117 1.01)

5.20.020 Definitions

In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

CITY: The City of Richland, Washington.

FINANCE MANAGER: The Finance Manager of the City of Richland.

GROSS INCOME: The value proceeding or accruing from the sale of tangible property or of service, and receipts (including all sums earned or charged, whether received or not), by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages, or other evidences of indebtedness, or stocks and the like and excluding receipts or proceeds from federal, state or local grants, or contributions in aid of construction), and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid, or any expense whatsoever, and without any deduction on account of losses.

PERSON OR PERSONS: Persons of either sex, firms, copartnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

TAXPAYER: Any person liable to the license fee or tax imposed by this chapter.

TAX YEAR OR TAXABLE YEAR: The year commencing January 1 and ending December 31 of the same year, or in lieu thereof, the taxpayer's fiscal year when permission is obtained from the Finance Manager to use the same as the tax period. (Ord. 117 1.02: Ord. 64-82 1.01: Ord. 5-95)

5.20.030 Occupation License Required

No person shall engage in or carry on any business or occupation for which a license fee or tax is imposed by this chapter without having first obtained, and being the holder of, a valid and subsisting license so to do, to be known as an "occupation license."

Any taxpayer who engages in, or carries on, any business or occupation for which a license fee or tax is imposed by this chapter without having his occupation license so to do, shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on, and any taxpayer who fails or refuses to pay the license fee or tax or any part thereof on or before the due date shall be deemed to be operating without having his license so to do. (Ord. 117 1.03)

5.20.040 Occupation Subject to Tax-Gas System-Amount

There is levied and there shall be collected from every person, firm, company or corporation which operates in the City works, plants or facilities for the distribution and sale of manufactured or natural gas, a tax in the amount, effective November 1, 1996, of eight and one-half percent (8.5%), provided however, that a fee or tax of one (1.0) percent shall apply to that portion of gross income derived from a single customer in excess of \$35,000.00 per month. Suppliers claiming the reduced rate for volume sales to single users shall submit such reports indicating such sales as required by the Finance Manager. (Ord. 117 1.04: Ord 399 1.01: Ord. 83-74: Ord. 32-82: Ord. 3-84: Ord. 25-90: Ord. 5-95: Ord. 35-96)

5.20.050 Occupations Subject to Tax-Telecommunications Companies- Amount

There is hereby levied upon, and shall be collected from every person, firm, company or corporation engaged in or carrying on a telecommunications business within, or partially within the City of Richland, a tax for the privilege of doing so equal, effective November 1, 1996, to eight and one-half percent (8.5%) of the total gross income from such business including income from 100% of the intrastate toll billed to business and residence subscribers located within the City's corporate limits, as they now exist or may hereafter be extended: provided that in computing such tax there shall be excluded from said gross income any amount derived from transactions or interstate or foreign commerce, and from any business which the City is prohibited from taxing under the Constitution of the United States or the Constitution and laws of the state of Washington; that portion of the gross income derived from charges to another telecommunications company, as defined in RCW 80.04.010, for connecting fees, switching charges, or carrier access charges relating to intrastate toll telephone services, or for access to, or charges for, interstate services; charges by a taxpayer engaging in a telephone business to a telecommunications company, as defined in RCW 80.04.010, for telephone service that the purchaser buys for the purpose of resale; adjustments made to a billing or to a customer account or to a telecommunications company accrual account in order to reverse a billing or charge that had been made as a result of third-party fraud or other crime and was not properly a debt of a customer.

For the purposes of this chapter, the following terms shall have the meaning ascribed herein:

- A. "Telecommunications business" means the business of providing telecommunications service.
- B. "Telecommunications service" means the transmission for rent, sale or lease, or in exchange for other value received, of information in electronic or optical form, including, but not limited to voice, video or data, whether or not the transmission medium is owned by the provider itself. Telecommunications service includes telephone service but does not include cable service or over-the-air broadcasts to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto.
- C. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, cellular telephone services or coin telephone services, or providing telephonic, video, data, or similar communications or transmission for hire, via a local telephone network, toll line or channel, cable, microwave or similar communications or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Telephone business" includes the provision of transmission to and from the site of an internet provider via a local telephone network, toll line or channel, cable, microwave or similar communications or transmission system. "Telephone business" does not include the providing of competitive telephone service, the providing of cable television service nor the providing of broadcast services by radio or television stations, nor the provision of internet service as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.
- D. "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, directory advertising and lease of telephone street directories, or service, other than toll service related to that equipment or apparatus such as repair or maintenance service if

the equipment is of a type which can be provided by persons that are not subject to regulation as telephone companies under title 80 RCW and for which a separate charge is made. Transmission of communication through cellular telephones is classified as "telephone business" rather than "competitive telephone service."

- E. "Cellular telephone service" is a two-way voice and data telephone/telecommunications system based in whole or substantially in part on wireless radio communications and which is not subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. The definition of cellular mobile services includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes a purpose similar to cellular mobile service. (Ord. 117 1.05: Ord. 399 1.01 Ord. 82-74 1.01 Ord. 38-75 1.01: Ord. 73-81 1.01: Ord. 32-82 1.02: Ord. 25-90: Ord. 22-92: Ord. 5-95: Ord. 35-96: Ord. 6-98)

5.20.055 Allocation of Income-Cellular Telephone Service

- A. Service address: Payments by a customer for the telephone service from telephones without a fixed location shall be allocated among taxing jurisdictions to the location of the customer's principal service address during the period for which the tax applies.
- B. Presumption: There is a presumption that the service address a customer supplies to the taxpayer is current and accurate, unless the taxpayer has actual knowledge to the contrary.
- C. Roaming phones: When the service is provided while a subscriber is roaming outside the subscriber's normal cellular network area, the gross income shall be assigned consistent with the taxpayer's accounting system to the location of the originating cell site of the call, or to the location of the main cellular switching office that switched the call.
- D. Dispute Resolution: If there is a dispute between or among the City and another City or cities as to the service address of a customer who is receiving cellular telephone services and the dispute is not resolved by negotiation among the parties, then the dispute shall be resolved by the City and the other City or cities by submitting the issue for settlement to mediation and/or arbitration under the Rules of the American Arbitration Association. Once taxes on the disputed revenues have been paid to one of the contesting cities, the cellular telephone service company shall have no further liability with respect to additional taxes, penalties, or interest on the disputed revenues so long as it promptly changes its billing records for further revenues to comport with the settlement facilitated by the mediation or arbitration process. (Ord: 5-95: Ord. 6-98)

5.20.060 Occupation Subject to Tax-Water Systems-Amount

There is levied upon and shall be collected from every person, including the City, engaged in or carrying on the business of selling or furnishing water for hire, a tax equal, effective November 1, 1996, to ten and one-half percent (10.5%) of the total gross income from such business during the tax year for which the license is required. (Ord. 117 1.06: Ord 367: Ord. 399: Ord. 590: Ord. 64-82 1.02: Ord. 65-83: Ord. 44-84: Ord. 35-85: Ord. 33-86: Ord. 25-90: Ord. 35-96)

5.20.070 Occupation Subject to Tax-Sewer System-Amount

There is levied upon the City in respect of the conduct, maintenance, and operation of its municipal sewerage system, a tax equal, effective November 1, 1996, to ten and one-half percent (10.5%) of the total gross income from the sewerage charges provided for and collected under City ordinance. (Ord. 117 1.07: Ord. 367 1.01: Ord. 399 1.01: Ord. 590 1.02: Ord. 17-82 1.01: Ord. 25-90: Ord. 35-96)

5.20.075 Occupation Subject to Tax-Storm Water System-Account

There is levied upon the City in respect of the conduct, maintenance and operation of its municipal storm water system, a tax equal to eight and one-half percent (8 1/2%) of the total gross income from the storm water charges provided for and collected under City ordinance. (Ord. 10-98)

5.20.080 Occupation Subject to Tax-Refuse Removal-Amount

There is levied upon and shall be collected from every person, including the City, engaged in or carrying on the business of removing garbage or trash for hire, a fee or tax equal, effective November 1, 1996, to ten and one-half percent (10.5%) of the total gross income from such business during the tax year for which the license is required. (Ord. 117 1.08: Ord. 80-74 1.01: Ord. 101-79 1.01: Ord. 25-90: Ord. 35-96)

5.20.090 Occupation Subject to Tax-Television Cable-Amount

There is hereby levied upon and shall be collected from every person engaged in or carrying on the business of transmitting television by cable service or cable system, a tax equal, effective November 1, 1996, to seven and one-half percent (7.5%) of the total gross income from such business during the tax year for which the license is required.

For the purposes of this chapter, the following terms shall have the meaning ascribed herein:

A. "Cable Service" means:

1. the one-way transmission to subscribers of
 - a.) video programming, or
 - b.) other programming service, and
2. subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

B. "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

1. a facility that serves only to retransmit the television signals of one or more television broadcast stations; or
2. any facilities of any electric utility used solely for operating its electric utility system. (Ord. 117 1.09: Ord. 401 1.01: Ord. 25-90: Ord. 51-94: Ord. 35-96)

5.20.100 Occupation Subject to Tax-Electrical Utilities-Amount

There is hereby levied upon and shall be collected from everyone, including the City, engaged in or carrying on the business of selling or furnishing electric power, a fee or tax equal, effective November 1, 1996, to eight and one-half percent (8.5%) of the gross electric revenues of the business during the tax year for which the license is required. (Ord. 117 1.10: Ord. 15-89: Ord. 25-90: Ord. 35-96)

5.20.105 Occupation Subject to Tax-Ambulance Utility-Amount

There is hereby levied upon and shall be collected from the City, engaged in the business of furnishing ambulance services, a fee or tax equal to one percent (1%) of the gross revenues of the utility during the tax year for which a license is required, to be effective September 1, 2006. (Ord. 18-08)

5.20.110 City of Richland Subject to Tax

Sections 5.20.060, 5.20.070, 5.20.080 and 5.20.100 shall, so far as permitted by law, apply to the City, except that the City shall not as a taxpayer be required to comply with the other provisions of this chapter. The tax imposed upon the City's electrical utility shall be applicable to the business of the utility both within and without the City. (Ord.117 1.11)

5.20.130 Application or Return for License

On or before the first day of each tax year every taxpayer shall apply to the director of finance for an occupation license upon blanks or forms of return to be prepared and provided by him. (Ord. 117 1.13)

5.20.140 Payment of Tax

The amount of the license fee shall be paid in monthly installments computed on the total gross income received by taxpayer in the preceding month. The installment shall be paid on or before the twenty-fifth day of each month. (Ord. 117 1.14)

5.20.150 Books and Records to be Kept>Returns Confidential

It shall be the duty of each taxpayer taxed upon his gross income to keep and enter in a proper book or set of books or records an account which shall accurately reflect the amount of his gross income, which account shall always be open to the inspection of the director of finance, or his duly authorized agent, and from which the officer or his agent may verify the return made by the taxpayer.

The applications, statements or returns made to the director of finance, pursuant to this chapter, shall not be made public, nor shall they be subject to the inspection of any person except the City Manager, the City Attorney, the director of finance, or his authorized agent, and members of the City Council. (Ord. 117 1.15)

5.20.160 Violations - Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 117 1.17: Ord. 17-84: Ord. 06-10)

5.20.170 Severability

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 117 1.16)

5.20.180 Ordinances Repealed-Savings Clause

Ordinance No. 63 relating to telephone companies, passed July 6, 1959 and Ordinance No. 87 relating to public utilities, passed October 12, 1959, both of which are temporary ordinances, are hereby repealed. Provided, that any occupation license issued under either of these ordinances in effect on the effective date of this chapter shall remain in full force and effect for the remainder of the tax year for which such license was issued; Provided, that the tax or fee levied and to be collected under this chapter or under ordinances 63 and 87 are paid in full. (Ord. 117 1.18)

Chapter 5.21 - Adult Use Establishment License & Regulation

Sections:

- 5.21.010 Definition of Terms
- 5.21.020 License Required
- 5.21.030 Application for Business License
- 5.21.040 Business License Investigation
- 5.21.050 Issuance of Business License
- 5.21.060 Denial of Business License
- 5.21.070 Application for Manager and Entertainer License
- 5.21.080 Issuance of Temporary Manager and Entertainer License
- 5.21.090 Issuance of Annual Manager and Entertainer License
- 5.21.100 Denial of Annual Manager and Entertainer License
- 5.21.110 Suspension or Revocation of License
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5.21.010 Definition of Terms

- A. "Adult Use Establishment" means any commercial adult retail establishment, adult panoram theater, adult motion picture theater or live adult entertainment establishment, more specifically defined as follows:
1. "Adult Retail Establishment" means any retail establishment which, for money or any other form of consideration either:
 - a) has as one of its principal purposes to sell, exchange, rent, loan, trade, transfer, and/or provide for viewing, off the premises, any adult oriented merchandise, as defined in this section; or
 - b) provides, as its substantial stock in trade, for the sale, exchange, rental, loan, trade, transfer, and/or for viewing or use, off the premises, any adult oriented merchandise, as defined in this section.
 2. "Adult Panoram Theater" means any commercial establishment where one or more motion picture projectors, slide projectors, computers or similar devices are used to show films, video cassettes, slides, or other forms of photographic reproductions depicting specified sexual activities or specified anatomical areas to patrons for payment of a fee, membership fee, or other charge.
 3. "Adult Motion Picture Theater" means any commercial establishment where films, motion pictures, video cassettes, computer images or other similar photographic reproductions depicting specified sexual activities or specified anatomical areas are shown to patrons for payment of a fee, membership fee, or other charge.
 4. "Live Adult Entertainment Establishment" means any commercial establishment featuring go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers that emphasize specified anatomical areas and/or whose performances or other activities include or mimic specified sexual activities.
- B. "Administrative Hearings Examiner" means any person designated as such by the City Manager.
- C. "Adult Oriented Merchandise" means any goods, products, commodities, or other wares, including but not limited to, videos, CD ROM's, DVD's, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe, or simulate specified anatomical areas or specified sexual activities.
- D. "Applicant" means the individual or entity seeking an adult use establishment business license, manager license or entertainer license.
- E. "Applicant Control Person" means all partners, corporate officers and directors and owners that have a significant responsibility in the management of the business.
- F. "City" means the City of Richland.

- G. "Clerk" means the business licensing clerk.
- H. "Employee" means any and all persons, including managers, entertainers, and independent contractors, who work in or at or render any services directly related to the operation of the adult use establishment.
- I. "Entertainer" means any person who provides adult entertainment within a live adult entertainment establishment as defined in this section, whether or not a fee is charged or accepted for the entertainment.
- J. "Licensee" means any holder of a valid business, manager or entertainer license from the City of Richland.
- K. "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving an adult use establishment, and includes assistant managers working with or under the direction of a manager to carry out such purposes.
- L. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- M. "Specified Anatomical Areas" means:
 - 1. Less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- N. "Specified Sexual Activities" means any of the following:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality;
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts of oneself or of one person by another;
 - 4. Excretory functions as part of or in connection with any of the activities set forth in this chapter. (Ord. 62-99)

5.21.020 License Required

- A. It is unlawful for any person to conduct, manage or operate an adult use establishment in the City unless such person is the holder of a valid adult use establishment business license issued by the City.
- B. It is unlawful for any entertainer, employee or manager to knowingly work in or about or to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult use establishment.
- C. It is unlawful for any entertainer to perform in an adult use establishment unless such person is the holder of a valid entertainer license issued by the City.
- D. It is unlawful for any manager to work in an adult use establishment unless such person is the holder of a valid manager license issued by the City. (Ord. 62-99)

5.21.030 Application for Business License

- A. All applications for an adult use establishment business license shall be submitted to the clerk in the name of the person or entity proposing to operate an adult use establishment on the premises and shall be signed by such person and certified as true under penalty of perjury. All applications must be made on forms provided by the clerk which requires the following information:
 - 1. For the applicant and for each applicant control person, provide: name, any aliases or previous names, driver's license number, if any, social security number, if any, and business, mailing and residential addresses, and business telephone number.
 - 2. For a partnership, provide: whether general or limited; and if a corporation, provide: date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
 - 3. Whether the applicant, or any partner, corporate officer, or director of the applicant, holds any other licenses under this chapter or any license for similar adult use establishments, including motion picture theaters and panorams, from the City of Richland or another City, county or state, and if so, the names and addresses of each licensed business.
 - 4. A summary of the business history of the applicant and applicant control persons in owning or operating an adult use establishment, providing names, addresses and dates of operation for such businesses, and whether any adult use establishment business license has been revoked or suspended, and the reason therefor.

5. For the applicant and each applicant control person, any and all criminal convictions or forfeitures within five (5) years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.
 6. For the applicant and each applicant control person, a description of business, occupation or employment history for the three (3) years immediately preceding the date of the application.
 7. Authorization for the City, its agents and employees to seek information to confirm any requirements set forth in the application.
 8. The location and doing business as name of the proposed adult use establishment, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
 9. Two two-inch by two-inch color photographs of the applicant and each applicant control person, taken within six (6) months of the date of application showing only the full face.
 10. A complete set of fingerprints for the applicant and each applicant control person, taken by Richland police department employees.
 11. A scale drawing or diagram showing the configuration of the premises for the proposed adult use establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service shall be clearly marked on the drawing. An application for a license for a live adult entertainment establishment shall include building plans which demonstrate conformance with this chapter.
- B. Application shall be deemed complete upon the applicant providing the following information to the clerk:
1. Completed application and information as provided in this section; and
 2. A non-refundable licensing fee as specified in RMC 5.21.160. (Ord. 62-99)

5.21.040 Business License Investigation

- A. Upon receipt of the completed application and fee, the clerk shall provide copies to the police, fire, and Community and Development Services Group for their investigation and review to determine compliance of the proposed adult use establishment with the laws and regulations which each department administers. Each department or group shall, within thirty (30) calendar days of the date of such application, inspect the application and premises and shall make a written report to the clerk whether such application and premises comply with the laws administered by each department. No license shall be issued until each department or group reports that the application and premises are in compliance with the relevant laws.
- B. In the event the premises are not yet constructed, the departments or group shall base their recommendation as to the premises' compliance on their review of the drawings submitted in the application. Any adult use establishment business license approved prior to the premises construction shall contain a condition that the premises may not open for business until the premises has been inspected and determined to be in substantial conformance with the drawings submitted with the application.
- C. Each department or group shall recommend denial of a business license if it finds that the proposed adult use establishment is not in conformance with the requirements of this chapter or other laws in effect in the City. A recommendation for denial shall be in writing and cite the specific reason(s) therefor, including applicable laws. (Ord. 62-99: Ord. 31-03)

5.21.050 Issuance of Business License

- A. An adult use establishment business license shall be issued by the clerk within thirty (30) calendar days from the date of filing a completed application unless the clerk properly denies the license under RMC 5.21.060.
- B. If the clerk fails to issue or deny the license within thirty (30) calendar days from the date of filing a completed application and fee, the applicant shall be issued a temporary license, subject to all other applicable laws, to operate the business for which the license was sought until notification by the clerk that the license has been denied or approved.
- C. An adult use establishment business license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult use establishment. The permit shall be posted in a conspicuous place at or near the entrance to the adult use establishment so that it can be easily read at any time the business is open to the public.

- D. The person granted an adult use establishment business license pursuant to this chapter shall operate such establishment under the name specified on the license.
- E. If any person or entity acquires, subsequent to the issuance of an adult use establishment business license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the clerk, no later than twenty-one (21) working days following such acquisition. The notice required shall include the information required for the original adult use establishment business license application. (Ord. 62-99)

5.21.060 Denial of Business License

- A. The clerk may deny the adult use establishment business license for any of the following reasons:
 - 1. The applicant is under eighteen (18) years of age.
 - 2. The applicant failed to provide information required by this chapter.
 - 3. The applicant made a materially false statement in the application for which the applicant knows to be false. Materially false statement means any false statement, oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the license application.
 - 4. The applicant is currently serving a sentence for a criminal conviction, bail forfeiture or adverse finding under federal, state or local law for acts which are sexual crimes against children, sexual abuse, rape, distribution of obscenity, distribution of erotic material to minors, prostitution, promoting prostitution, transporting persons for purposes of prostitution or enticing or coercing persons to travel for purposes of prostitution, permitting prostitution, patronizing a prostitute, pandering, racketeering, or violations of the Uniform Controlled Substances Act.
 - 5. The applicant is currently under suspension or revocation of a license related to adult entertainment issued by this City or any other jurisdiction.
 - 6. The applicant is overdue on his/her payment to the City for fees, fines, or penalties assessed against him/her in relation to an adult use establishment.
 - 7. The applicant failed to comply with all applicable requirements of fire, building, zoning and/or health codes or laws of the City, county and/or state.
 - 8. The applicant has failed to comply with any provision or requirement of this chapter.
- B. Denial of an adult use establishment business license shall be in writing. The clerk shall send the applicant, via certified mail, its decision of denial stating the specific reason(s) for the denial. (Ord. 62-99)

5.21.070 Application for Manager and Entertainer License

- A. All applications for an adult use establishment manager or entertainer license shall be submitted to the clerk in the name of the person proposing to be employed in an adult use establishment and shall be signed by such person and certified as true under penalty of perjury. All applications for a manager or entertainer license must be made on forms provided by the clerk which requires the following information:
 - 1. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Richland police department employees, social security number, and any stage names or nicknames used in entertaining.
 - 2. The name and address of each business at which the applicant intends to work.
 - 3. Documentation that the applicant has attained the age of eighteen (18) years. Any two (2) of the following shall be accepted as documentation of age:
 - a.) A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth.
 - b.) A state issued identification card bearing the applicant's photograph and date of birth;
 - c.) An official passport issued by the United States of America;
 - d.) An immigration card issued by the United States of America;
 - e.) Any other identification that the City determines to be acceptable.
 - 4. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other City, county or state within five (5) years immediately preceding the date of the application, except parking violations or minor traffic infractions.
 - 5. A description of the applicant's activities or services to be rendered.
 - 6. Two (2) two-inch by two-inch color photographs of applicant, taken within six (6) months of the date of application showing only the full face.

7. Authorization for the City, its agents and employees to investigate and confirm any statements set forth in the application.
- B. Application shall be deemed complete upon the applicant providing the following information to the clerk:
1. Complete application and information as provided in this section.
 2. A non-refundable licensing fee as specified in RMC 5.21.160. (Ord. 62-99)

5.21.080 Issuance of Temporary Manager and entertainer License

- A. The Clerk shall issue a temporary manager or entertainer license upon receipt of a completed license application and fee. Said temporary license will automatically expire on the tenth (10th) working day following the filing of the completed application or until the final determination of any appeal from a denial of license.
- B. If the applicant filed a notice of appeal to the clerk decision denying an annual license, the temporary license shall be valid pending the decision of any appeal. (Ord. 62-99)

5.21.090 Issuance of Annual Manager and Entertainer License

The clerk shall issue an annual manager or entertainer license within ten (10) working days from the date the completed application and fee are received unless the clerk properly denies the license under RMC 5.21.100. (Ord. 62-99)

5.21.100 Denial of Annual Manager and Entertainer License

- A. The clerk may deny the application for an annual manager or entertainer license for any of the following reasons:
1. The applicant is under eighteen (18) years of age;
 2. The applicant failed to provide information required by this chapter;
 3. The applicant made a materially false statement in the application, which the applicant knows to be false. Materially false statement means any false statement, oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the license application.
- B. Denial of a manager or entertainer license shall be in writing stating the specific reason for the denial. The clerk shall send to the applicant, via certified mail, its decision of denial within ten (10) working days following the filing of the completed application and fee. (Ord. 62-99)

5.21.110 Suspension or Revocation of License

- A. The clerk may suspend a license for a period not to exceed thirty (30) working days if he or she determines one or more of the following exist:
1. Licensee violated or is not in compliance with any section of this chapter.
 2. Licensee engaged in use of alcoholic beverages while on the adult use establishment premises.
 3. Licensee refused to allow an inspection of the adult use establishment as authorized by this chapter.
 4. Licensee knowingly permitted gambling or the consumption of alcoholic beverages by any persons on the premises of the adult use establishment.
- B. The clerk may revoke a license for a period not to exceed twelve (12) months if he or she determines one or more of the following exist:
1. License was procured by fraud or false representation of fact in the application or in any report or record required to be filed with the clerk.
 2. The building, structure, equipment, operation or location of the establishment for which the license was issued does not comply with the requirements or fails to meet the standards of this chapter.
 3. Licensee violated or permitted violation of any of the provisions of this chapter.
 4. Licensee knowingly allowed possession, use, or sale of controlled substances as defined in RCW 69 on the premises.
 5. Licensee knowingly allowed prostitution on the premises.
 6. Licensee knowingly operated the adult use establishment during a period of time when the licensee's license was suspended.
 7. Licensee knowingly allowed any sexual conduct to occur in or on the licensed premises.
 8. Licensee is delinquent in payment to the City or state for any taxes or fees past due.

9. Licensee knowingly allowed a person under the age of eighteen (18) on the premises. Proof of age shall be demonstrated in the form of a state-issued driver's license or photo identification card or other official proof of birth date.
- C. Revocation shall continue for one (1) year, and the licensee shall not be issued a license for one (1) year from the date revocation became effective.
- D. The clerk shall provide at least ten (10) working days written notice to the licensee of the decision to suspend or revoke the license. Such written notice shall be sent, via certified mail, and shall set forth the following information:
 1. grounds for suspension or revocation;
 2. inform the licensee of the right to appeal the decision to an administrative hearings examiner;
 3. the effective date of such revocation or suspension; and
 4. the duration of such revocation or suspension. (Ord. 62-99)

5.21.120 Expiration and Renewal of License

- A. Each license shall expire one (1) year from the date of issuance and may be renewed only by making a new application as provided in this chapter. Application and fee for renewal should be made at least thirty (30) working days before the expiration date. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. The clerk shall deny renewal of any license where either the application or renewal fee is not made before the expiration date of the license.
- B. When the clerk denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the clerk finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) working days have elapsed since the date denial became final.
- C. The clerk shall send, via certified mail, its decision of denial stating the specific reason(s) for the denial. (Ord. 62-99)

5.21.130 Administrative Appeal for Denial, Suspension or Revocation of License

Any person aggrieved by the decision of the clerk to deny, revoke or suspend a business, manager or entertainer license may appeal to an administrative hearings examiner. A notice of appeal must be filed with the clerk within ten (10) working days after receiving notice of the decision. A timely filed notice of appeal shall stay the decision of the clerk and a temporary license shall be issued pending the resolution of the matter except as provided in RMC 5.21.150. The administrative hearings examiner shall set a date for hearing within thirty (30) working days from the date the clerk receives the notice of appeal. The hearing procedure shall be governed by the Washington Administrative Procedure Act, RCW 34.05. The administrative hearings examiner shall render and send, via certified mail, its decision within ten (10) working days following the close of the appeal hearing. (Ord. 62-99)

5.21.140 Judicial Appeal for Denial, Suspension or Revocation of License

Any person aggrieved by the decision of the administrative hearings examiner may appeal to superior court for a writ of certiorari, prohibition or mandamus within ten (10) working days from the date the decision was rendered by the administrative hearings examiner. A timely filed notice of appeal shall stay the decision of the administrative hearings examiner and any temporary license issued in accordance with RMC 5.21.130 shall remain valid pending the resolution of the matter except as provided in RMC 5.21.150. (Ord. 62-99)

5.21.150 Immediate Suspension of License

Where the Richland building official, fire chief, or Benton County health department find that any condition exists upon the premises of the adult use establishment which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending appeal. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and inform the licensee of the right to appeal the suspension to the administrative hearings examiner or other designated hearing body under the same appeal provision set forth in this section; provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pending of the appeal. (Ord. 62-99)

5.21.160 Licensing Fees

Any person desiring to obtain an adult use establishment business license shall first pay a license fee of seven hundred dollars (\$700.00). Any person desiring to obtain an adult use establishment manager or entertainer license shall first pay a license fee of one hundred dollars (\$100.00). (Ord. 62-99)

5.21.170 Transfer of License

A licensee shall not transfer his or her license to another, nor shall a licensee operate an adult use establishment under the authority of a license at any place other than the address designated in the application. (Ord. 62-99)

5.21.180 General Regulation of Adult Use Establishment

General requirements: All adult use establishments located within the City shall comply with the following general requirements.

- A. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least eight (8) feet from the nearest member of the public.
- B. No employee or entertainer shall caress, fondle or erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or entertainer.
- C. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any acts which constitutes a violation of RCW 7.48A of the Washington Moral Nuisances Statute.
- D. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this chapter.
- E. No adult use establishment shall employ any person under the age of eighteen (18) as a manager, entertainer or employee or allow entertainers on its premises for the purpose of providing live adult entertainment if that person is under the age of eighteen (18).
- F. Admission must be restricted to persons of the age of eighteen (18) years or more. It is unlawful for any owner, operator, manager or other person in charge of an adult use establishment to knowingly permit or allow any person under the minimum age of eighteen (18) to be in or upon such premises.
- G. No alcohol or drugs shall be sold, served, allowed or consumed by any person on the adult use establishment premises.
- H. No patron who is under the influence of drugs or alcohol shall be allowed entry onto the premises of an adult use establishment.
- I. No specified sexual activities as defined in RMC 5.21.010 shall be allowed on the premises of an adult use establishment.
- J. A licensed manager shall be on duty at all times members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours.
- K. Every entertainer shall provide his or her license to the adult use establishment manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult use establishment entertainers readily available for inspection by the City at any time during business hours of the adult use establishment.
- L. An adult use establishment may not be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.
- M. The premises of an adult use establishment shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level. (Ord. 62-99)

5.21.190 Regulation of Live Adult Entertainment Establishment

In addition to the general requirements of RMC 5.21.180, every live adult entertainment establishment shall meet the following requirements:

- A. Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level of thirty (30) lux horizontal, measured at 30 inches from the floor and on ten (10) foot centers is hereby established for all areas of the live adult entertainment establishment where members of the public are admitted.
- B. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the

areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least ten (10) feet from the nearest member of the public.

- C. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the nonstage area.
- D. No employee or entertainer shall touch, fondle or caress any patron for the purpose of arousing or exciting the patron's sexual desire; sit on a patron's lap or separate a patron's legs.
- E. No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the live adult entertainment establishment or provided through a manager on duty on the premises.
- F. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the live adult entertainment establishment.
- G. A licensed manager shall be on duty at all times any entertainer can be visually observed by members of the public. There shall be sufficient number of managers on duty to maintain visual observation of all entertainers and members of the public in the establishment. (Ord. 62-99)

5.21.200 Regulation of Adult Panoram Theaters

In addition to the general requirements of RMC 5.21.180 every adult panoram theater shall meet the following requirements:

- A. At least one licensed manager shall be on duty and situated in the public room adjacent (manager's station) to the panoram stations or booths at all times that any member of the public is present inside the premises.
- B. The interior of the premises shall be configured in such a manner that the manager's station has an unobstructed view of all panoram stations or booths. The view required in this subsection must be by direct line-of-sight from the manager's station.
- C. All panoram stations or booths must be unobstructed by any doors, walls, merchandise, display racks, curtains or other materials in such a manner as to insure that patrons are fully visible from the manager's station at all times.
- D. The premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public are permitted access. Each panoram station or booth must have sufficient intensity to fully illuminate any patron occupying the station or booth from the manager's station. Such illumination shall not be less than ten (10) foot-candles as measured at the floor level at the times members of the public are permitted within the premises.
- E. No panoram station or booth may be occupied by more than one (1) person at any time. (Ord. 62-99)

5.21.210 Regulation of Adult Motion Picture Theaters

In addition to the general requirements of RMC 5.21.180 every adult motion picture theater shall meet the following requirements:

- A. All seating arrangements open to the public must be equipped with immovable armrests between the seats. Bench-type seating which allows for more than one person is not permitted.
- B. A manager or employee must walk through the theater portion of the building at ten (10) minute intervals during the time period in which the film is showing and the lighting is down.
- C. No sexual activity is allowed in the theater.
- D. It is the responsibility of the owner, manager, and employees to ensure that no sexual activity takes place in the theater.
- E. Full house lighting must meet the requirement of RMC 5.21.180(n), and must come on for at least ten (10) minutes at the end of each feature. (Ord. 62-99)

5.21.220 Penalty

Any person convicted of any provision of this chapter shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. For any violation of continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense. In addition, any violation of any of the provisions of this chapter is declared to be a public nuisance, per se, which may be abated by the City by way of civil abatement procedures. (Ord. 62-99)

5.21.230 Severability

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 62-99)

Chapter 5.22 - Taxicab and Limousine Service**Sections:**

- 5.22.010 Purpose**
- 5.22.020 Provisions**
- 5.22.030 Definitions**
- 5.22.040 Operator License-Fee**
- 5.22.050 Operator License-Issuance**
- 5.22.060 Operator License-Twenty-Four Hour Service**
- 5.22.070 Operator License-Term**
- 5.22.080 Operator License-Transfer**
- 5.22.090 Operator License-Sale**
- 5.22.100 Driver Permit-Fee**
- 5.22.110 Driver Permit-Qualifications**
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- 5.22.230 Limousine Service-Route**
- 5.22.270 Revocation**
- 5.22.290 Passengers**
- 5.22.310 Violations - Penalties**

5.22.010 Purpose

The provisions of this chapter shall be deemed an exercise of the power of the City to license for regulation. (Ord. 592 1.02)

5.22.020 Provisions

The provisions of this chapter shall apply if home base for the business is located within the City limits of Richland. If home base for the business is not located within the City limits of Richland, the provisions of this chapter shall not apply. In either case, the licensing requirements set out in Chapter 5.04 shall apply. The license officer may waive the photograph and fingerprint requirement if the applicant has complied with comparable regulatory provisions of another governmental agency. (Ord. 592 1.02: Ord. 1-97)

5.22.030 Definitions

- A. "Operator" as used in this chapter means any person, firm, partnership, or corporation who shall engage in the business of conveying passengers for hire in the City.
- B. "Motor vehicle" as in this chapter means any motor vehicle used as a taxicab that is privately owned and operated for the conveying of passengers for hire.
- C. "Driver" as used in this chapter means any person driving a motor vehicle conveying passengers for hire. (Ord. 592 1.02: Ord.04-08)

5.22.040 Operator License-Fee

No motor vehicle shall be used in the City to convey passengers for hire except upon payment of an annual operator's license fee of forty dollars (\$40.00) per vehicle per year. (Ord. 592 1.02: Ord. 1-97)

5.22.050 Operator License-Issuance

The finance manager shall, upon finding the applicant has met the requirements set forth in this chapter, issue the applicant a license for each motor vehicle licensed herein. Each license shall bear a serial number and a brief description of the vehicle licensed, the name and address of the operator, and the operator's state license number. (Ord. 592 1.02: Ord. 1-97)

5.22.060 Operator License-Twenty-Four Hour Service

Each license secured as herein provided shall be granted on the condition that the person, firm, partnership, or corporation securing the license for a taxicab shall provide service to the public on a twenty-four (24) hour basis. A separate telephone shall be procured so the public may be able to call for such service at any time. (Ord. 592 1.02: Ord. 1-97)

5.22.070 Operator License-Term

Each license held by an operator shall be issued for a period of one year commencing on April 1st of each year and ending on March 31st of the following year and no fractional license shall be granted. (Ord. 592 1.02: Ord. 7-86)

5.22.080 Operator License-Transfer

Except as provided in Section 5.22.090, no operator's license shall be transferred from one person to another; provided, however, that an operator's license may be transferred from one vehicle to another upon application being made to the finance manager. Each application for such transfer shall be accompanied by a receipt from the finance manager for the sum of two dollars (\$2.00) which sum is the fee for making such transfer. (Ord. 592 1.02: Ord. 683 1.01: Ord. 1-97)

5.22.090 Operator License-Sale

Before an operator license may be transferred, the original operator shall make a full statement of ownership of the taxicab business which ownership shall be considered as continuing until the original owner files with the City a statement showing any change or part change in ownership, together with the name of the individual, firm, partnership or corporation acquiring such interest. Such transfer shall be subject to approval of the City in the same manner as if it were an application for an operator's permit for the transferee; provided, however, that upon the City's approval, no fee shall be required for change of ownership and the new owner shall be considered the original owner. (Ord. 592 1.02)

5.22.100 Driver Permit-Fee

No one shall operate a motor vehicle for hire in the City without first obtaining from the City a driver's permit. A fee of five dollars (\$5.00) shall accompany the application for the permit.

In all cases where an operator desires to act as a driver, he shall, in addition to the requirements for the operator license, secure a driver permit pursuant to the requirements of this chapter; provided, however, that in such cases the driver permit fee required by this section is hereby waived. (Ord. 592 1.02: Ord. 1-97)

5.22.110 Driver Permit-Qualifications

No person shall be issued a driver permit unless he possesses the following qualifications:

- A. He must be eighteen (18) years of age and be in possession of a valid operator's driver license;
- B. He must comply with all state laws and regulations relating to the operation of a motor vehicle.

The applicant shall file with the finance manager an application on a blank form furnished by the finance manager, which shall be signed and sworn to by the applicant and which shall set forth the following facts concerning the applicant: Name, height, weight, color of hair and eyes, residence address, place and date of birth, length of time a resident in Richland, whether a citizen or noncitizen, last place of employment, whether previously licensed and if so where and whether or not the license was ever suspended or revoked and for what cause, and such other information as the finance manager may require. (Ord. 592 1.02: Ord. 1-97)

5.22.120 Driver Permit-Requirements

Before the original driver permit shall be issued, the applicant shall submit to being fingerprinted, photographed, and may be interviewed under the direction of the chief of police. The chief of police shall furnish the finance manager with a report on the applicant's qualifications and police record. All applications for a driver permit shall become null and void after six (6) months from date of filing, if for any reason the applicant fails or neglects to obtain a permit. (Ord. 592 1.02: Ord. 1-97)

5.22.140 Driver Permit-Approval

The finance manager may upon determining that the driver does not possess the hereinbefore required qualifications reject the application. The applicant may appeal the decision of the finance manager to the City Council. (Ord. 592 1.02: Ord. 1-97)

5.22.150 Driver Permit-Card

Upon the finding that the applicant has met the requirements of this chapter, the finance manager shall cause to be issued a card bearing the name and description of the driver, which card shall be carried on the driver's person at all times when he is operating a motor vehicle for hire. (Ord. 592 1.02: Ord. 1-97)

5.22.160 Motor Vehicle Condition-Inspection

All vehicles operating under authority of this chapter may be inspected by the chief of police, or his representative, for the purpose of determining whether the vehicles are clean, properly equipped and in a safe condition for the transportation of passengers. (Ord. 592 1.02: Ord. 1-97)

5.22.170 Insurance

The finance manager in granting any operator license shall require the operator to procure and maintain in force insurance covering property damage and personal injury to passengers as well as other persons from a company licensed to write such insurance in the state of Washington as required by the State of Washington. (Ord. 592 1.02: Ord. 1-97)

5.22.180 Taxicab Service

No operator or driver shall place additional passengers in a taxicab without first securing the consent of the person or persons by whom it was first engaged. (Ord. 592 1.02: Ord. 13-82: Ord. 19-90)

5.22.190 Schedule of Fares Displayed

There shall be conspicuously displayed in each taxicab, and at such other places as may be required by the City, a schedule of fares to be charged for conveying passengers within the City. (Ord. 592 1.02)

5.22.200 Fares

A licensee shall charge no more than the scheduled fare. Any company licensed by the City of Richland which offers taxicab service in the City shall file a fare schedule with the Business License Officer at the time of renewal of each license year. Failure to observe the schedule shall be cause for revocation of license. (Ord. 592 1.02: Ord. 45-74 1.01: Ord. 37-75 1.01: Ord. 13-82 1.02: Ord. 19-90: Ord. 1-97)

5.22.210 Records

Each taxicab shall keep a record of every trip made while carrying passengers for a fare. The trip record shall contain date, time, origin of trip, and destination. These records shall be kept on file for a period of three years and be available to the City at all times. (Ord. 592 1.02)

5.22.230 Limousine Service-Route

Limousines operating within the City of Richland shall be required to meet all requirements of the State of Washington, Title 46.72A as currently enacted or as it may be amended. (Ord. 592 1.02: Ord. 04-08)

5.22.270 Revocation

The finance manager may revoke any driver permit if he has reason to believe that the driver:

- A. Has been convicted of an offense of such nature as to indicate that he is unqualified or unfit to hold a driver's permit;
- B. Is guilty of two or more offenses in which mandatory revocation of the driver license is provided by law;
- C. Has been convicted of negligent homicide;
- D. Is intemperate or addicted to the use of narcotics; or
- E. Has repeatedly violated the terms of this chapter.

Notice by the finance manager of revocation of such permit shall be forwarded by certified mail to the holder of the permit and shall prescribe the time and place for a hearing before the finance manager on the pending revocation; provided that no revocation shall be effective before the hearing; provided further that the permit holder shall have the right of appeal from the determination of the finance manager to the City Council. (Ord. 592 1.02: Ord. 1-97)

5.22.290 Passengers

It is unlawful for any person to refuse to pay the fare for taxicab service determined under the terms of this chapter. (Ord. 592 1.02: Ord. 04-08)

5.22.310 Violations - Penalties

Any operation, driver, or passenger violating or failing to comply with any of the provisions of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 592 1.02: Ord. 17-84: Ord. 1-97: Ord. 06-10)

Chapter 5.25 - Sales Use Tax**Sections:**

- 5.25.010 Imposition of Sales Use Tax**
- 5.25.015 Imposition of Additional Sales Use Tax**
- 5.25.020 Rate of Tax Imposed**
- 5.25.025 Rate of Additional Tax Imposed**
- 5.25.030 Administration and Collection of Tax**
- 5.25.035 Administration and Collection of Additional Tax**
- 5.25.040 Consent to Inspection of Records**
- 5.25.045 Effective Date of the Additional Tax Provided in 5.25.015**
- 5.25.050 Brokered Natural Gas Use Tax**

5.25.010 Imposition of Sales or Use Tax

The City Council, being the legislative and governing body of the City, imposes a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the City. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12. (Ord. 598 1.01)

5.25.015 Imposition of Additional Sales - Use Tax

There is hereby imposed a sales or use tax, as the case may be as authorized by RCW 82.14.030(2) upon every taxable event, as defined in RCW 82.14.020, occurring within the City of Richland. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapter 82.08 and 82.12 RCW. (Ord. 22-86)

5.25.020 Rate of Tax Imposed

The rate of the tax imposed by Section 5.25.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be. Provided, however, that during such period as there is in effect a sales or use tax imposed by Benton County, the rate of tax imposed by this chapter shall be four hundred twenty-five/one-thousandths of one percent. (Ord. 598 1.01)

5.25.025 Rate of Additional Tax Imposed

The rate of the tax imposed by Section 1 of Ordinance 22-86 shall be one half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by Benton County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate equal to or greater than the rate imposed by this section, the County shall receive fifteen percent of the tax imposed by Section 1; provided further, that during such period as there is in effect a sales tax or use tax imposed by Benton County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate which is less than the rate imposed by this section, the County shall receive from the tax imposed by Section 1 that amount of revenues equal to fifteen percent of the rate of the tax imposed by the County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session. (Ord. 22-86)

5.25.030 Administration and Collection of Tax

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session. (Ord. 598 1.01)

5.25.035 Administration and Collection of Additional Tax

The administration and collection of the additional tax imposed by this ordinance shall be in accordance with provisions of RCW 82.14.050. (Ord. 22-86)

5.25.040 Consent to Inspection of Records

The City consents to the inspection of such records as are necessary to qualify the City for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Ord. 598 1.01)

5.25.045 Effective Date of the Additional Tax Provided in 5.25.015

The effective date of the tax imposed by Richland Municipal Code 5.25.015 shall be October 1, 1986 and shall be due and payable on such date and all days following. (Ord. 22-86)

5.25.050 Brokered Natural Gas Use Tax

- A. Pursuant to RCW 82.14.230, there is hereby fixed and imposed on every person a use tax for the privilege of using natural gas or manufactured gas in the City as a consumer.
- B. The amount of the tax imposed is an amount equal to the value of the article used by the taxpayer in the City, multiplied by the rate of eight and one-half (8.5) percent. The "value of the article used" does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RMC 5.20.040.
- C. There may be exempted from taxation value otherwise taxable if the person who sold the gas to the consumer has already paid a tax under RMC 5.20.040 with respect to the gas for which exemption is sought under this subsection.
- D. There may be exempted from taxation the value of the article used and otherwise taxable to the extent the article is used in the manufacture of aeronautical brake components, but only to the extent the value of the article used exceeds one hundred thousand dollars during a calendar year for which said tax is due. In the event this provision is determined unenforceable for any reason, it shall not affect the validation of the tax or any other provision.
- E. There is a credit against the tax levied under this section in an amount equal to any tax paid by the person:
 - 1. who sold the gas to the consumer when the tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870, as implemented in RMC 5.20.040, by another state with respect to the gas for which a credit is sought under this subsection; or
 - 2. consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.
- F. The use tax hereby imposed is paid by the consumer. The administration and collection of the tax is pursuant to RCW 82.14.050. (Ord. 16-09)

Chapter 5.30 - Public Massage Parlors and Public Bathhouses

Sections:

- 5.30.010 Statement of Purpose**
- 5.30.020 License Required-Public Massage Parlor-Public Bathhouse**
- 5.30.030 License Required-Masseur-Masseuse-Attendant**
- 5.30.040 Definitions**
- 5.30.050 Exemptions**
- 5.30.060 Fees**
- 5.30.070 Application for Issuance and Renewal of License-Public Massage Parlor-Public Bathhouse**
- 5.30.080 Issuance and Renewal of License-Public Massage Parlor-Public Bathhouse**
- 5.30.090 Suspension or Revocation of License-Public Massage Parlor-Public Bathhouse**
- 5.30.100 Condition of Premises**
- 5.30.110 Unlawful to Admit Certain Persons**
- 5.30.120 Business Hours**
- 5.30.130 Unlawful to Advertise Without License**
- 5.30.140 Application for or Renewal of License-Masseur-Masseuse-Attendant**
- 5.30.150 Issuance and Renewal of License-Masseur-Masseuse-Attendant**
- 5.30.160 License Suspension, Revocation or Refusal to Renew-Grounds**
- 5.30.170 Expiration of Licenses**
- 5.30.180 Liquor**
- 5.30.185 Unlawful Conduct**
- 5.30.190 Violations - Penalties**
- 5.30.200 Severability**

5.30.010 Statement of Purpose

The Richland City Council finds that certain practices and conditions associated with public massage parlors and public bathhouses may be injurious to the public health and the public morals and that regulation and licensing of such establishments and their employees is necessary in the interests of the public welfare of the citizens of the City of Richland. (Ord. 795 1.01)

5.30.020 License Required-Public Massage Parlor-Public Bathhouse

No person shall conduct, operate or maintain a public massage parlor or a public bathhouse without first obtaining a license therefor as hereinafter provided. (Ord. 795 1.01)

5.30.030 License Required-Masseur-Masseuse-Attendant

No person shall act as a masseur or masseuse or as a public massage parlor attendant or as a public bathhouse attendant without first obtaining a license as hereinafter provided. (Ord. 795 1.01)

5.30.040 Definitions

- A. "License" means a certificate issued by the City of Richland authorizing a holder thereof to:
 1. Act as a masseur; or
 2. To act as a masseuse; or
 3. To act as a public massage parlor attendant; or
 4. To act as a public bathhouse attendant; or
 5. To operate a public bathhouse; or
 6. To operate a public massage parlor.
- B. License Officer. "City License Officer" or "license officer" is the finance director of the City of Richland, or any officer of the City designated by him as City License Officer or license officer.
- C. "Massage" means the method, art or science of treating the human body for hygienic, remedial or relaxation purposes by rubbing, stroking, kneading, tapping, rolling or manipulating the human body of another with the hands or by any other agency or instrumentality. "Massage" as used herein includes the use, in connection with massage treatment, of such appliances, equipment and aids as heat lamps, electric cabinets designed to produce heat, steam baths given by cabinet or any other method, mineral baths either as complete or partial baths, baths by tub or shower or otherwise, baths administered hot or cold, using water, natural mineral water, a formula or other liquid, and including colonic irrigation. Manipulation of the human body in the course of the practice of medicine, surgery, osteopathy, chiropractic, chiropody, naturopathy, dentistry, nursing, physical therapy, optometry or

any other of the healing arts by persons licensed by the state of Washington to practice such healing arts is not included in the term massage as used herein.

- D. "Masseur" or "masseuse" means a male person, or a female person, respectively, who practices massage, or holds himself or herself out as practicing massage, for, or in expectation of, any fee, compensation or monetary consideration.
- E. "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
- F. "Public bathhouse" means any place within the City of Richland where baths or facilities for baths of any kind whatever are given or furnished for, or in expectation of, any fee, compensation or monetary consideration including, but not limited to: Finnish baths, Russian baths, sauna baths, Swedish baths, Turkish baths, baths by hot air, steam, vapor, water or electric cabinet; provided, that "public bathhouse" for the purpose of this chapter, does not include such baths or facilities for baths where no attendant or other person administers, or holds himself out as administering, massage treatment as herein defined, either by physical manipulation of the body or by the use of equipment.
- G. "Public bathhouse attendant" means any person who administers to, or performs services to, patrons of a public bathhouse or who supervises the work of such a person. The term does not include a person who performs only custodial or janitorial work.
- H. "Public massage parlor" means any place within the City of Richland where massages are given or furnished for, or in expectation of, any fee, compensation, or monetary consideration.
- I. "Public massage parlor attendant" means any person who administers to, or performs services to, patrons of a public massage parlor or who supervises the work of a masseur or masseuse or other person administering to, or performing services to such patrons. (Ord. 795 1.01 (part))

5.30.050 Exemptions

When no fee, compensation or any other monetary consideration is charged or paid, directly or indirectly, for such services the provisions of this chapter do not apply to:

- A. Persons giving massage treatments or baths in a private residence or a private social or athletic club not open to the public generally;
- B. Athletic coaches or trainers affiliated with public or private education institutions or athletic organizations;
- C. Students enrolled in schools of massage performing such practices of massage as are incidental to their course of study.

The provisions of this chapter do not apply to massage treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state of Washington to treat the sick, injured or infirm or by any nurse under the direction of a person so licensed. 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 are also exempt from the provisions of this chapter. (Ord. 795 1.01)

5.30.060 Fees

The fee for a public massage parlor license is fixed at fifty dollars per year, and the fee for a public bathhouse license is fixed at twenty-five dollars per year. An additional nonrefundable application fee of ten dollars shall accompany each application for such a license.

The fee for a license as a masseur, masseuse, public massage parlor attendant, or a public bathhouse attendant is fixed at ten dollars. (Ord. 795 1.01)

5.30.070 Application for Issuance and Renewal of License-Public Massage Parlor-Public Bathhouse

No license or renewal of license to conduct a public massage parlor or public bathhouse shall be issued or renewed except upon written application filed with the City License Officer upon forms furnished by the City of Richland, which shall be signed and sworn to by the person who intends to conduct, operate and maintain a public massage parlor or bathhouse. Such applications shall include the following:

- A. The true name, home address and telephone number of the applicant;
- B. The business name, business address and telephone number of the establishment or proposed establishment;

- C. Whether applicant is a sole proprietorship, partnership or corporation; if a partnership, giving the names of all persons sharing in the profits of the business; if a corporation, giving the names of its officers, directors and shareholders, giving title, residence address and telephone number of each;
- D. How long applicant (or if a corporation, its officers) have resided in Benton County;
- E. If applicant is a sole proprietorship or a partnership, stating whether the proprietor or the partners are of legal age;
- F. Two 2 by 2 inch black and white photographs of the applicant, or in the case of a firm, the party signing the application, taken within six months of the date of the application, showing only the full face of such applicants. The two 2 by 2 inch black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, or the party signing the application, and such license shall be posted and displayed in a conspicuous place in the establishment where such license is enjoyed, at all times, and such license shall not be tampered with in any manner;
- G. Such applicants, or part signing the application, shall also be required to submit to fingerprinting by the police division, and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Bureau;
- H. Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted of any crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court, and the disposition thereof;
- I. All assumed names or aliases which have been or are used by any person whose name appears on an application;
- J. Such other relevant and pertinent information as the City License Officer may reasonably require in connection with such application. (Ord 795 1.01)

5.30.080 Issuance and Renewal of License-Public Massage Parlor-Public Bathhouse

Upon the filing of an application for issuance or renewal of a public massage parlor license or a public bathhouse license, the City License Officer shall ascertain from the development services department whether the operation of such establishment at the business address shown on the application will be in compliance with the City's zoning regulations; and the City License Officer shall promptly refer the application to the police department with a request for an investigation of the statements contained in said application and for a written report to be made within thirty days by the police division containing the results of the investigation and any other matters pertinent to the application. The license officer shall also refer the application to the Benton County health department with a request for an inspection of the premises, or proposed premises, to determine their suitability and adequacy as to sanitary and physical conditions and to submit a written report thereon.

If, from the reports and other information, it appears that the application and the premises are fit and proper, that the statements contained in the application are true; that the applicant or the owners of the applicant firm have not been convicted of a crime involving moral turpitude or attempt to defraud and that the applicant has complied with all the requirements of this chapter, the City License Officer shall issue a license to the applicant; otherwise the license application shall be denied. (Ord. 795 1.01).

5.30.090 Suspension or Revocation of License-Public Massage Parlor- Public Bathhouse

The City Council reserves unto itself the power to suspend or revoke any license issued under the provisions of Section 5.30.080 at any time where the same was procured by fraud or false representation of facts; or for violation of any of, or failure to comply with, the provisions of this chapter by the person holding such license or any of his servants, agents, or employees; or the conviction of the person holding such license of any crime or offense involving moral turpitude or the conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude committed on the premises in which the licensed establishment is located; or in the event that it is determined that the further operation of such establishment would be detrimental to the public health or welfare of the citizens of the City of Richland. (Ord. 795 1.01)

5.30.100 Condition of Premises

The premises and equipment of all public massage parlors and public bathhouses shall be maintained in a clean, safe, and sanitary manner and it shall be the duty of the owner or operator of such establishment to meet the following requirements:

- A. Adequate lighting, heating and ventilating is to be installed and maintained in all parts of the facility in full compliance with the City's applicable building, mechanical, plumbing, electrical and related codes;

- B. Each patron using such a facility shall be furnished with an individual clean towel or disposable paper mat by the operator thereof; towels shall not be reused until they are washed and sanitized. There shall be adequate facility for towel and mat storage;
- C. If any facility contains any swirling water pools where more than one person is immersed, such pools shall be maintained under the same restriction as any public or semi-public pool. Bacterial quality shall be such that not more than fifteen percent of any series of samples nor more than two consecutive samples in any series of samples collected at times when the pool is in use shall allow the presence of coliform bacteria in any of the five ten ml. portions examined. Chlorine residual of .4 ppm. in all parts of pool while in use will assure acceptable bacteriological standards;
- D. Chlorine and PH test kit shall be used routinely to check the chemical make up of pool water and results shall be recorded on a daily log sheet to be kept current at all times;
- E. Any stools or benches in any bath facility shall be easily cleanable and soundly constructed. They shall be covered with single service towels when in use;
- F. All exercise equipment and appliances shall be routinely checked for possible structural weaknesses and shall be maintained in a safe and sanitary manner at all times;
- G. All pools shall be provided with recirculation and filtering equipment which equipment shall include a rate of flow indicator and a loss of head gauge for the backwash filter;
- H. All shower and dressing facilities shall be available outside the pool area. Such area must be well lighted and ventilated with non-slip floor finish provided on floors sloping to a floor drain;
- I. A safety bar or hand rail shall be installed in the pool easily accessible to users in every area of the pool;
- J. Any sauna bath or similar facility shall duly post a maximum exposure time table as suggested by the manufacturer thereof;
- K. Ceilings shall be used in the sauna area which are so devised as to prevent dripping of hot water on users;
- L. Any facilities using ultra violet exposure rooms in their establishment shall post maximum exposure time which shall not exceed three minutes for any individual. (Ord.795 1.01)

5.30.110 Unlawful to Admit Certain Persons

It is unlawful for the owner, proprietor, manager or person in charge of any public massage parlor or public bathhouse, or for any employee of the establishment knowingly to harbor, admit, receive or permit to be or remain in or about such premises, any prostitute, lewd or dissolute person, any drunken or boisterous person, any person under the influence of intoxicating liquor or narcotic drugs or any person whose conduct tends in any way to corrupt the public morals. (Ord. 795 1.01)

5.30.120 Business Hours

No public massage parlor or public bathhouse shall conduct business after the hours of two a.m., or prior to the hour of eight a.m. (Ord. 795 1.01)

5.30.130 Unlawful to Advertise Without License

It is unlawful to advertise the giving of massage treatments or public baths by a person or in an establishment not licensed or otherwise qualified pursuant to this chapter. (Ord. 795 1.01)

5.30.140 Application for or Renewal of License - Masseur-Masseuse-Attendant

No license or renewal of license to act as a masseur or masseuse, or public massage parlor attendant, or public bathhouse attendant, shall be issued or renewed except upon written application filed with the City License Officer upon forms furnished by the City of Richland, which shall be signed and sworn to by the applicant. Such application shall include the following:

- A. The true name, home address, and telephone number of the applicant;
- B. References as to moral character of the applicant from three reputable citizens of Benton County, Washington;
- C. How long applicant has resided in Benton County;
- D. Whether the applicant has ever been convicted of a crime. If so, stating the nature of the crime, the date of conviction, the name and location of the convicting court and the disposition thereof;
- E. All assumed names and aliases which have been or are used by the applicant;
- F. Two 2-by-2-inch black and white photographs of the applicant, taken within six months of the date of the application, showing only the full face of such applicant. The two 2-by-2-inch black and white photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant, and such license shall be posted and displayed in a

conspicuous place in the establishment where such licensee is employed, at all times, and such license shall not be tampered with in any manner;

- G. Such applicant shall also be required to submit to fingerprinting by the police division and such fingerprints shall be retained in the application file, a copy of which will be forwarded to the Federal Bureau of Investigation, Identification Division;
- H. The applicant's previous occupation and previous employer;
- I. Such other relevant and pertinent information as the City License Officer may reasonably require in connection with such application. (Ord. 795 1.01)

5.30.150 Issuance and Renewal of License-Masseur-Masseuse-Attendant

Upon the filing of an application for a license to act as a masseur, masseuse, public massage parlor attendant or public bathhouse attendant, the City License Officer shall refer the same to the police division with the request to investigate the statements contained in the application and to furnish a written report within thirty days containing the results of the investigation, and any other matters pertinent to said application. The City License Officer shall refer the application to Benton County health department, with a request to examine the applicant physically to ascertain if said applicant is free from contagious or infectious disease and to make a written report thereon.

If, from the reports and other information, it appears that the applicant is fit and proper; that the applicant is free of infectious or contagious disease; that the statements contained in the application are true; that the applicant has not been convicted of a crime involving moral turpitude or attempt to defraud and that the applicant has complied with all the requirements of this chapter, the City Finance Officer shall issue a license to the applicant; otherwise the license application shall be denied. (Ord. 795 1.01)

5.30.160 License Suspension, Revocation or Refusal to Renew-Grounds

The following shall be grounds for suspension, revocation or refusal to renew any license for a masseur, masseuse, public massage parlor attendant or public bathhouse attendant:

- A. Fraud or deception in connection with securing the license;
- B. Conviction of any crime involving moral turpitude;
- C. Conviction of violating a federal, state, or local law relating to sex offenses, or to possession, use, or sale of narcotics, dangerous drugs or alcoholic beverages;
- D. Habitual drunkenness or intemperance in the use of narcotics or stimulants;
- E. Conduct inimical to the public health or welfare. (Ord. 795 1.01)

5.30.170 Expiration of Licenses

All licenses issued or renewed pursuant to this chapter shall be issued for a period of one year commencing on April 1st of each year and ending March 31st of the following year. (Ord. 795: Ord. 7-86)

5.30.180 Liquor

Liquor (as that term is defined in the Washington State Alcoholic Beverage Control Act) shall not be distributed or consumed on the premises of any public massage parlor or public bathhouse. (Ord. 795 1.01)

5.30.185 Unlawful Conduct

It is unlawful for any masseur, masseuse, or public massage parlor attendant, on premises operated or maintained as a public massage parlor, to knowingly touch or fondle the genitals, pubic region, or female breasts of another person. (Ord. 6-77 1.01: Ord. 11-78 1.01)

5.30.190 Violations - Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 795: Ord. 6-77 1.02: Ord. 4-85: Ord. 06-10)

5.30.200 Severability

If any section of this chapter, or any portion of any section of this chapter, or its application to any person or circumstances, is held invalid, the remainder of the chapter or the application of the provision to other persons and circumstances shall not be affected. (Ord. 795 1.01)

Chapter 5.35 - Lodging Tax

Sections:

- 5.35.010 Imposition of Special Excise Tax**
- 5.35.020 Definitions**
- 5.35.030 Administration and Collection of Tax**
- 5.35.040 Establishment of Special Hotel/Motel Tax Fund**
- 5.35.050 Violations - Penalties**
- 5.35.060 Effect of Partial Invalidation**
- 5.35.070 Effective Date of Tax**

5.35.010 Imposition of Special Excise Tax

For the purposes set forth in RCW Chapter 67.28 and pursuant to and in accordance therewith, there is imposed and levied a special excise tax of four percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or to enjoy the same. (Ord. 4-74 1: Ord. 50-82 1.01: Ord. 16-97)

5.35.020 Definitions

The definitions of "selling price," "seller," "buyer," "consumer" and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereof, as those definitions may have application to the tax imposed by this chapter, are adopted by this reference as the definitions for the tax herein levied. (Ord. 4-74 1)

5.35.030 Administration and Collection of Tax

For the purposes of the tax levied herein:

- A. The Department of Revenue of the state of Washington is designated as the agent of the City of Richland for the purposes of collection and administration.
- B. The administrative provisions contained in RCW 82.08.050 and 82.08.060 and those administrative provisions contained in RCW Chapter 82.32 shall apply with respect to administration and collection of the tax by the Department of Revenue.
- C. All rules and regulations adopted by the Department of Revenue for the administration of RCW Chapter 82.08 are adopted.
- D. The state of Washington Department of Revenue is empowered, on behalf of the City of Richland, to prescribe such special forms and reporting procedures as the Department of Revenue may deem necessary. (Ord. 4-74 1)

5.35.040 Establishment of Special Fund-Purpose

There is created a special fund in the City of Richland to be known as the hotel/motel tax fund. All taxes levied and collected under the provisions of this chapter shall be credited to the hotel/motel tax fund. Such taxes shall be levied and used only for the purposes specified in RCW 67.28.1815 as it now exists or as hereinafter amended in whole or part, and until withdrawn for use, the moneys accumulated in such fund may be invested in interest-bearing securities by the support services director in any manner authorized by law. (Ord. 4-74 1: Ord. 50-82 1.02: Ord. 8-00)

5.35.050 Violations - Penalties

Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses. (Ord. 4-74 1: Ord. 50-82 1.03: Ord. 17-84: Ord. 06-10)

5.35.060 Effect of Partial Invalidation

The invalidity of any article, section, subsection, provision, clause or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances, and all other articles, sections, subsections, provisions, clauses or portions thereof not expressly held to be invalid shall continue in full force and effect. (Ord. 4-74 1)

5.35.070 Effective Date of Tax

The effective date of the tax herein imposed shall be April 1, 1974, and such tax shall be due and payable to the City of Richland on such date and all days following, to be collected as heretofore provided. (Ord. 4-74 1)

Chapter 5.40 - Leasehold Excise Tax**Sections:****5.40.010 Created-Collection and Remittance****5.40.020 Rate****5.40.030 Administration-Generally****5.40.040 Exemptions****5.40.050 Inspection of City Records****5.40.060 Administration-Contract with State****5.40.070 Noncompliance-Penalty****5.40.010 Created-Collection and Remittance**

There is levied and shall be collected a leasehold excise tax on and after January 1, 1976, upon the act or privilege of occupying or using publicly owned real or personal property within the City of Richland through a leasehold interest as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session (hereinafter "the state act"). The tax shall be paid, collected, and remitted to the Department of Revenue of the state of Washington at the time and in the manner prescribed by Section 5 of the state act. (Ord. 27-76 1)

5.40.020 Rate

The rate of tax imposed by Section 5.40.010 shall be four percent of the taxable rent; provided, that the following credits shall be allowed in determining the tax payable;

- A. With respect to a leasehold interest arising out of any lease or agree the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by Section 2 of the state act) since that date, and excluding from such credit:
1. Any leasehold interest arising out of any lease of property covered by the provisions of RCW 28B.20.394; and
 2. Any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:
 - a.) With respect to taxes due in calendar year 1976, a credit eighty percent of the tax produced by the rate specified in the first paragraph of this section,
 - b.) With respect to taxes due in calendar year 1977, a credit sixty percent of the tax produced by the rate specified in the first paragraph of this section,
 - c.) With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the rate specified in the first paragraph of this section,
 - d.) With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the rate specified in the first paragraph of this section;
- B. With respect to a product lease, a credit of thirty-three percent of the tax produced by the rate specified in the first paragraph of this section. (Ord. 27-76 2)

5.40.030 Administration-Generally

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of the state act. (Ord. 27-76 3)

5.40.040 Exemptions

Leasehold interests exempted by Section 13 of the state act as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 5.40.010. (Ord. 27-76 4)

5.40.050 Inspection of City Records

The City of Richland consents to the inspection of such records as are necessary to qualify the City for inspection of records of the department of revenue pursuant to RCW 82.32.220. (Ord. 27-76 5)

5.40.060 Administration-Contract with State

The City Manager is authorized to execute a contract with the Department of Revenue of the state of Washington for the administration and collection of the tax imposed by Section 5.40.010; provided, that the City Attorney shall first approve the form and content of the contract. (Ord. 27-76 6)

5.40.070 Noncompliance-Penalty

Any governmental entity leasing publicly owned real or personal property within the corporate limits of Richland which fails to properly disclose the nature and extent of such nonexempted taxable rent or thereafter remits such tax as is required shall, upon being found guilty thereof in Division 1 of the Benton County district court, be fined or assessed a penal sum of no more than five thousand dollars or by imprisonment for not more than one year, or both such fine and imprisonment; provided, that each day of noncompliance shall constitute a distinct and separate violation of this section. (Ord. 27-76 8: Ord. 17-84)

Chapter 5.45 - Excise Tax on Real Estate Sales**Sections:**

- 5.45.010 Imposition of Real Estate Excise Tax**
- 5.45.020 Rate of Tax**
- 5.45.025 Additional Real Estate Tax**
- 5.45.030 County to Collect Payment**
- 5.45.040 Tax is Obligation of Seller**
- 5.45.050 Tax Lien on Real Property**
- 5.45.060 Duties of County Treasurer**
- 5.45.070 Payment Due**
- 5.45.080 Refunds**
- 5.45.090 Use of Proceeds**
- 5.45.100 State Law Adopted by Reference**

5.45.010 Imposition of Real Estate Excise Tax

There is imposed an excise tax on each sale of real property constituting a taxable event as defined in Chapter 82.45 RCW and occurring within the City limits. The tax imposed under this section shall be collected from persons who are taxable by the State under Chapter 82.45 RCW and such tax shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the State under Chapter 82.45 RCW. (Ord. 23-86)

5.45.020 Rate of Tax

The rate of tax imposed by Section 5.45.010 shall be one quarter of one percent of the selling price of all real property upon which this tax is imposed. (Ord. 23-86)

5.45.025 Additional Real Estate Tax

In accordance with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed by Section 5.45.010, there is hereby imposed an excise tax on each sale of real property located within the corporate limits of the City of Richland at the rate of one-quarter of one percent (0.25%) of the selling price to be collected by the county as prescribed in RCW 82.46.060. Proceeds from this additional tax shall be deposited in a separate account in the municipal capital improvements fund and expended as authorized by law under RCW 82.46.035(5), solely for planning, acquisition, construction, reconstruction, repair, replacement rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road light systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation or improvement of parks as specified in a capital facilities element of a comprehensive plan. (Ord. 50-92)

5.45.030 County to Collect Payment

The county treasurer shall place one percent of the proceeds of the taxes imposed herein in the County current expense fund to defray costs of collection. The remaining proceeds from City taxes imposed herein shall be distributed to the City monthly. (Ord. 23-86)

5.45.040 Tax is Obligation of the Seller

The taxes imposed herein are the obligation of the seller and may be enforced through an action for debt against the seller or in the manner prescribed for the foreclosure of mortgages. (Ord. 23-86)

5.45.050 Tax Lien on Real Property

The taxes imposed herein and any interest or penalties thereon are a specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other. (Ord. 23-86)

5.45.060 Duties of County Treasurer

The taxes imposed herein shall be paid to and collected by the treasurer of Benton County. The county treasurer shall act as agent for the City. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section

5.45.060 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this face is made on the instrument by the county treasurer. (Ord. 23-86)

5.45.070 Payment Due

The tax imposed hereunder shall become due and payable immediately at the time of sale and, if not so paid within thirty days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment. (Ord. 23-86)

5.45.080 Refunds

If, upon written application by a taxpayer to the county treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the county treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the City. (Ord. 23-86)

5.45.090 Use of Proceeds

All proceeds from the tax collected at the rate imposed by 5.45.020 shall be placed by the support services director in the current expense fund and shall be used for capital improvements, including those listed in RCW 35.43.040. This section shall not limit the existing authority of this City to impose special assessment on property benefited thereby in the manner prescribed by law. These capital improvements funds shall be used by the City solely for financing capital projects as defined by RCW 82.46.010(6) that are specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. (Ord. 23-86: Ord. 50-92)

5.45.100 State Law Adopted by Reference

Chapter 82.45 RCW and any and all subsequent amendments to said statute are hereby adopted by this reference as if set forth in full herein. (Ord. 23-86)

Chapter 5.50 - Street Utility Charges

Sections:

- 5.50.010 Definitions
- 5.50.020 Creation of Street Utility-Authority
- 5.50.030 Governing Body and Management of Street Utility
- 5.50.040 Ownership of Street Facilities
- 5.50.050 System of Charges
- 5.50.060 Credit Against Utility Charges
- 5.50.070 Billing and Collection
- 5.50.080 Use of Street Utility Funds
- 5.50.090 Use of Other Proceeds by Street Utility
- 5.50.100 Violations - Penalties-Lien-Enforcement
- 5.50.110 Severability
- 5.50.120 Expiration

5.50.010 Definitions

For the purposes of this ordinance, the following definitions apply:

"City" shall mean the City of Richland, Washington, a municipal corporation.

"Utility" shall mean the City street utility, a utility authorized to own, maintain, operate and preserve all City streets and related facilities.

"Full-time equivalent" refers to the calculation made to determine the number of employees, both part and full-time, employed by a particular business. The sum of this calculation is stated in a manner that treats part-time employees, in the aggregate, as a whole or a fraction of a full-time employee. Thus, a business which employs one full-time employee and one half-time employee, employs the full-time equivalent of 1.5 employees.

"Permanent employee" refers to a person who is employed full or part-time in a regular, non-seasonal position, for a period of at least six months during a calendar year.

"Qualification as low income senior citizen or low income disabled citizen" refers to person who shows satisfactory proof to the support service director, or his designee, that he or she:

- A. Is sixty-two years of age or over; or
- B. Is a citizen qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind citizen as defined in RCW 74.18.020(4), or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1); and
- C. Has a maximum annual income of not more than one hundred twenty-five percent (125%) of the poverty level established by the federal office of management and budget; and
- D. Is the sole occupant or the head of a household; and
- E. Resides in a dwelling unit served directly by the City's water utility; and
- F. Is billed, in his or her name by the City's water utility.

All information presented in support of such application shall be verified by the applicant who shall provide such other data as deemed appropriate upon forms and in a manner determined by the Finance Manager or his designee. (Ord. 1-93: Ord. 40-01)

5.50.020 Creation of Street-Utility-Authority

There is hereby created and established a street utility, a separate enterprise and facility. The utility is authorized to own, construct, maintain, operate and preserve all City streets as now exist and as may be added to in the future by the addition of other existing or construction of new streets. In addition to its authority over streets, the utility is authorized to own, construct, maintain, operate and preserve street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities and drainage facilities. (Ord. 1-93)

5.50.030 Governing Body and Management of Street Utility

The City Council shall be the governing body of the street utility. Management of the utility shall be provided by the City Manager or his or her designee. (Ord. 1-93)

5.50.040 Ownership of Street Facilities

Title and all other incidents of ownership of the following assets are hereby vested in the utility: All properties, interest and physical and intangible rights of every nature, owned or held by the City, however acquired, insofar as they relate to:

- A. Streets and alleys;
- B. Street lighting;
- C. Traffic control devices;
- D. Sidewalks;
- E. Curbs;
- F. Gutters;
- G. Parking facilities; and
- H. Drainage facilities. (Ord. 1-93)

5.50.050 System of Charges

There is hereby imposed a system of monthly charges on businesses located within the boundaries of the City. The charges are necessary to assist in the funding of the construction, maintenance, operation and preservation of facilities under the jurisdiction of the street utility.

- A. Businesses. There shall be a monthly charge of ninety-one cents (\$.91) per month imposed on each business, measured according to the number of full-time equivalent permanent employees employed by that business, unless the business is exempt under 5.50.050(3) of this ordinance.
- B. Exempt properties. The owners of the following properties are exempt from the charges imposed by this section:
 - 1. Properties exempt from the property tax under RCW 84.36.010.
 - 2. Properties exempt from the leasehold tax under Chapter 82.29A RCW.
 - 3. Properties used for nonprofit or sectarian purposes, which if the property were owned by such organization would be exempt from the property tax under Chapter 84.36 RCW. (Ord. 40-01)

5.50.060 Credit Against Utility Charges

Any business required to pay a commuter or employer tax for transportation purposes under RCW 81.100.030 or RCW 81.104.150 is granted a credit against the utility charges imposed by this ordinance. The credit shall be for the full amount of the tax paid, but in no event for an amount more than the utility charge. (Ord. 1-93)

5.50.070 Billing and Collection

Street utility charges, as imposed by Section 5.05.050 of this ordinance, shall be computed on a monthly basis. The amount billed shall be included as a separate charge listed on the City utility bill. The City Finance Manager, or his or her designee, is hereby authorized to administer the billing and collection of street utility fees. In the event a property does not have utility service but is subject to charges imposed by this ordinance, a new account shall be established and that property shall be billed separately for the street utility charges. The Finance Manager is directed to compile a list of all businesses, as is necessary for determining utility charge liability under this ordinance. The Finance Manager is further directed to develop any rules and regulations which are consistent with this ordinance and which are necessary for its property administration. (Ord. 1-93: Ord. 40-93: Ord. 40-01)

5.50.080 Use of Street Utility Funds

The proceeds from the charges imposed by Section 5.50.050 of this ordinance shall be used for transportation purposes only including but not limited to: operation and preservation of streets and other transportation improvements; new construction, reconstruction, and expansion of City streets and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right-of-way and sites from such purposes. Use of the proceeds from street utility charges shall be consistent with the requirements of RCW 82.80.070. (Ord. 1-93)

5.50.090 Use of Other Proceeds by Street Utility

The street utility may finance the construction, operation, maintenance, and preservation of streets and related facilities through local improvement districts and utility local improvement district, or with the proceeds of general obligation or revenue bonds, or any combination thereof. In addition, the utility, through appropriation by the City Council, may use funds from general taxation, money received for the federal, state, or other local governments and other funds made available to it. (Ord. 1-93: Ord. 40-93)

5.50.100 Violations – Penalties - Lien-Enforcement

- A. Civil. Any person who has violated any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).
Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct, two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.
- B. Lien. The charges imposed by Section 5.50.050 of this ordinance are charges against the property and the use thereof. The charges become liens against the property which may be enforced in the same manner as sewerage liens are enforced under Chapter 35.67 RCW. (Ord. 1-93: Ord. 06-10).

5.50.110 Severability

If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected. (Ord. 1-93)

5.50.120 Expiration

This ordinance shall expire of its own volition upon the retirement of any bonds used to finance the street utility. (Ord. 1-93)

Chapter 5.55 – Appeal Procedure**Sections:****5.55.010 Administrative Appeal****5.55.020 Judicial Review****5.55.030 Underpayment of Tax, Interest, or Penalty – Interest****5.55.040 Time in Which Assessment May be Made.****5.55.010 Administrative Appeal**

Any taxpayer aggrieved by the amount of any fee, tax, interest, or penalty found by the Finance Department to be required under the provisions of this Chapter Five may, upon full payment of the amount assessed, appeal from such finding pursuant to the following procedures.

- A. Form of appeal. Any appeal must be in writing and must contain the following:
 1. The name and address of the taxpayer,
 2. A statement identifying the determination of the Department from which the appeal is taken,
 3. A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the Department is alleged to have made in making the determination, and
 4. A statement identifying the requested relief from the determination being appealed.
- B. Time and place to appeal. Any appeal shall be filed with the City Clerk no later than 21 days following the date on which the determination of the Finance Department was mailed to the taxpayer. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.
- C. Appeal hearing. The Finance Manager shall, as soon as practicable, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The hearing shall be conducted by having the appropriate City staff provide the basic information of the transaction. The appellant shall be given an opportunity to explain the appellant's position. City staff shall provide a rebuttal to appellant's case.
- D. Burden of proof. The appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the Department is incorrect.
- E. Hearing record. The Finance Manager shall make an electronic sound recording of each appeal unless the appeal is conducted solely in writing.
- F. Decision of the Finance Manager. Following the hearing, the Finance Manager shall enter a decision on the appeal, supported by written findings and conclusions in support thereof. A copy of the findings, conclusions and decision shall be mailed to the appellant taxpayer and retained by the Department. The decision shall state the correct amount of the fee, tax, interest or penalty owing.
- G. Refund. If the Finance Manager determines that the taxpayer is owed a refund, such refund amount shall be paid to the taxpayer after approved by the City Manager.

5.55.020 Judicial Review

The decision of the Finance Manager may be appealed by any person having paid any assessment as required by the Department, except one who has failed to keep and preserve books, records, and invoices as required in this chapter, by filing a proper request for a writ of review with the Benton County Superior Court. A request for a writ of review must be filed within 30 calendar days following the date that the decision of the Finance Manager was mailed to the parties. Review by the superior court shall be on, and shall be limited to, the record on appeal created before the Finance Manager. The Department shall have the same right of review from a decision of the Finance Manager as does a taxpayer.

5.55.030 Underpayment of Tax, Interest, or Penalty – Interest

If, upon examination of any returns, or from other information obtained by the Finance Manager, it appears that a tax or penalty less than the properly due has been paid, the Finance Manager shall assess the additional amount found to be due and shall add thereto interest on the tax only. The Finance Manager shall notify the person by mail of the additional amount, which shall become due and shall be paid within 30 days from the date of the notice, or within such time as the Finance Manager may provide in writing.

Interest shall be calculated at 1% per month on the amount due and owing to the City.

5.55.040 Time in Which Assessment May be Made

The Finance Manager shall not assess or correct an assessment for additional taxes, penalties, or interest due more than 4 years after the close of the calendar year in which they were incurred, except that the Finance Manager may issue an assessment:

- A. Against a person who is not currently registered or has not filed a tax return as required by this title for taxes due within the period commencing 10 years prior to the close of the calendar year in which the person was contacted in writing by the Finance Manager;
- B. Against a person that has committed fraud or who misrepresented a material fact; or
- C. Against a person that has executed a written waiver of such limitations. (Ord. 23-05)

HISTORICAL CHRONOLOGY OF ORDINANCES

Ord. 24	Ord. 22-88
Ord. 83	Ord. 07-89
Ord. 93	Ord. 12-89
Ord. 97	Ord. 15-89
Ord. 105	Ord. 13-90
Ord. 117	Ord. 17-90
Ord. 122	Ord. 19-90
Ord. 176	Ord. 25-90
Ord. 246	Ord. 18-91
Ord. 356	Ord. 22-92
Ord. 367	Ord. 47-92
Ord. 377	Ord. 50-92
Ord. 399	Ord. 01-93
Ord. 401	Ord. 40-93
Ord. 423	Ord. 46-93
Ord. 438	Ord. 51-94
Ord. 488	Ord. 05-95
Ord. 489	Ord. 08-96
Ord. 590	Ord. 35-96
Ord. 592	Ord. 01-97
Ord. 598	Ord. 16-97
Ord. 683	Ord. 28-97
Ord. 795	Ord. 06-98
Ord. 04-74	Ord. 10-98
Ord. 45-74	Ord. 62-99
Ord. 80-74	Ord. 08-00
Ord. 82-74	RCW 82.36
Ord. 83-74	Ord. 34-00
Ord. 84-74	Ord. 35-00
Ord. 37-75	Ord. 37-00
Ord. 38-75	Ord. 38-00
Ord. 27-76	Ord. 17-01
Ord. 06-77	Ord. 40-01
Ord. 13-77	Ord. 31-03
Ord. 48-77	Ord. 50-04
Ord. 11-78	Ord. 19-05
Ord. 26-79	Ord. 23-05
Ord. 97-79	Ord. 04-08
Ord. 101-79	Ord. 15-08
Ord. 23-80	Ord. 18-08
Ord. 73-81	Ord. 07-09
Ord. 13-82	Ord. 09-09
Ord. 17-82	Ord. 16-09
Ord. 32-82	Ord. 06-10
Ord. 39-82	Ord. 16-10
Ord. 50-82	
Ord. 62-82	
Ord. 64-82	
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Ord. 03-84	
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Ord. 33-85	
Ord. 07-86	
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Ord. 33-86	
Ord. 18-88	