



Seattle City Council

Regulating Nightlife in Seattle

Issue: Mayor Nickels has proposed two pieces of legislation related to regulating nightlife activities in Seattle. Council Bill 115830 would create a regulatory license for nightlife establishments and a nightlife advisory board. Council Bill 115831 is a companion piece of legislation that would increase appropriations and position authority for 1.0 FTE in the Office of Economic Development (OED) and 1.0 FTE in the Department of Executive Administration (DEA) to provide staffing related to the new license and advisory board.

The new regulatory license would subject businesses that meet the definition of a “nightlife premise” to a set of operating standards intended to minimize the likelihood of violent and nuisance activities. The license would place affirmative duties on business owners to take measures that address public safety and neighborhood livability issues. Repeated failure to meet these standards would result in fines and potential license revocation.

City Council Review: Councilmember Sally Clark, chair of the Council’s Economic Development and Neighborhoods Committee (EDN), has held a series of public discussions to gather background information on the proposed legislation and the problem it seeks to address. The EDN Committee has heard from neighborhood residents, representatives of the music and nightlife industries, members of the Liquor Control Board, the Mayor’s office and City departments responsible for regulating existing laws that apply to nightclubs and bars.

The Council has developed a set of alternative proposals for addressing nightlife related issues (see attached). On Monday, June 4 at 5:30 p.m., the Council will hold a public hearing to take testimony on these alternatives and the Mayor’s proposal.

The EDN Committee will consider these alternatives along with the Mayor’s proposed legislation on Thursday, June 7 at 9:30 a.m. in Council Chambers. Final action by the EDN Committee is tentatively scheduled for Thursday, June 21 at 6:00 p.m. at University Heights Community Center.

If you have any questions, please contact the Office of Councilmember Sally Clark at (206) 684-8802.

Summary of Proposals

Mayor’s Proposal: Creating a Nightlife License & Advisory Board

The Mayor’s proposal requires businesses with:

- a minimum of 500 square feet;
- a density of at least one person per seven square feet; and
- service of liquor, beer or wine between 10 pm and 6 am

To obtain a nightlife premises license. It is estimated that 200-300 businesses would fit this definition. The license would cost \$300 per year with an initial one-time application fee of \$350.

Nightlife premises licensees would be required to abide by a set of operating standards geared toward minimizing criminal, violent and nuisance activities (i.e. noise and litter) on-site and within 50 ft. of the building/business. For a full listing the operating standards, see Council Bill 115830.

The City's Department of Executive Administration (DEA) would enforce the license provisions. Failure to comply with the operating standards may lead to fines (minor infractions) or suspensions after multiple violations (penalties vary based on the type of violation).

The Mayor's proposal also creates a nightlife advisory board, staffed by the Office of Economic Development (OED). The board would be responsible for advising the City on the implementation of the new license and the health and vibrancy of the nightlife industry. The board would also be charged with the responsibility of developing best practices for nightlife businesses and submitting an annual report on the effectiveness of the new nightlife license.

Two staff positions are created under the Mayor's proposal. One position would be in DEA and the other in OED. The total ongoing cost for these two positions will be \$145,000.

City Council's Alternative Proposals:

The following are a set of actions the Council is currently considering as alternatives to the Mayor's proposal. The actions are not mutually exclusive.

I. Create a Narrowly Focused Nightlife License, a Nightlife Board and an Enforcement Unit

The proposal would retain the concept of imposing a regulatory license on nightlife establishments. However, this proposal would amend the Mayor's legislation in three primary areas:

1. Reduce Penalties – Allow for graduated fines in lieu of license suspensions for all violations of operating standards with the exception of violent crimes occurring in nightlife establishments;
2. Increase Enforcement – Add a nightlife enforcement unit that would enforce the operating standards in the regulatory license including issuing fines and respond to neighborhood resident complaints and calls during the evening and early morning hours.
3. Expand Role of Nightlife Board – Give the board authority to hold hearings and review penalties imposed on nightlife establishments or license denials and require the DEA Division Director to consider board recommendations.

The Council may also consider amending the definition of what constitutes a nightlife premise. The specific amount of individual fines and penalties for violating operating standards are still under development.

II. Strengthen the Noise Ordinance

The City's current noise ordinance is difficult to enforce because 1) there is a requirement that violators must be given a warning prior to a citation, 2) noise code violations are a low enforcement priority for SPD and 3) DPD, the agency with dedicated noise control staff, does not have authority for enforcing public nuisance noise violations. Furthermore, the penalties for committing public disturbance noise may not be sufficient to have a deterrent effect on commercial establishments even if the current noise code was more aggressively enforced.

This proposal would modify the noise ordinance to address these issues as they relate to noise emanating from nightclubs and bars. The actions are as follows:

1. Create a metered standard for public disturbance noise from commercial establishments effecting residential owners and tenants. Utilizes the dB (C) (decibel standard) weighted network measurement. The "C" level captures the total sound level of all noise, including heavy bass.
2. Increase penalties for public disturbance noise violations from \$500 to a tiered penalty structure (1st Violation = \$2000, 2nd Violation = \$4000, 3rd Violation = \$6000) where penalties associated with an initial citation may be applied to noise remediation.

3. Shift authority for public disturbance noise code enforcement to a department other than SPD. Hire, at minimum, two new staff that would work during the evening and early morning hours to respond to complaints and issue citations. (see alternative I)

III. Strengthen the Nuisance Code

Currently, the City's Nuisance Code (SMC Ch. 10.09) is the primary vehicle for addressing chronic problem establishments. The Police Chief has the authority to seek voluntary correction or issue a notice of abatement to establishments that are deemed a public nuisance. Abatement can include any action to remedy the nuisance condition. Abatement actions could range from limiting operating hours to closing a nightlife premises.

This proposal would make overly noisy establishments and establishments that violate occupancy codes subject to fines and/or abatement through the City's Nuisance Code. The intent is to strengthen the code and provide SPD, SFD, and the City Attorney with additional authority to induce voluntary correction or begin abatement. If a business violates the City's noise code or occupancy limit for their establishment three times within a 365 day period and has been the location for one other nuisance activity, such as fighting, the City may bring a nuisance action against the business owner.

This may also include the addition of staff to the City Attorney's Office to prosecute Nuisance Code violations.

IV. Examine Additional Options and Expressing Further Policy Direction

A number of issues have emerged as a result of the last several weeks of Council deliberations. Issues that may not be resolved immediately in the context of considering new or modified nightlife regulations. This action would adopt a resolution outlining several issues that need further analysis and review as well as stating Council policy and guidance with regard to specific issues. Those issues are as follows:

- Direct the Executive to work with the Washington State Liquor Control Board (LCB) and our state congressional delegation to get additional liquor control agents dedicated to Seattle.
- Direct the Executive and City Attorney to utilize the new deference afforded by Engrossed House Bill 2113 to jurisdictions requesting that liquor licenses not be renewed. This new deference is afforded where a jurisdiction can demonstrate that a problem establishment has a history of chronic illegal activity. Given that this legislation is new, this approach has not been used before and its effectiveness remains unclear. Request that the Executive pursue this option and report back on LCB dispositions in which the City has invoked the new deference.
- Direct the Executive to institute a permit requirement for private security personnel (including bouncers). Nightclubs with occupancies exceeding a prescribed threshold would be required to hire private security with City permits that confirm they have completed a mandatory SPD training. Such training should standardize best practices for providing security and conflict de-escalation at nightlife establishments.
- Direct the Executive to explore practicality and feasibility of instituting a permit/license requirement on club/event promoters. The City should examine the role of promoters and their responsibilities in exercising best practices to help maintain healthy and safe environments in nightlife establishments.
- Direct the Executive to review a new use designation for nightclubs and prohibitions or regulatory requirements for location of nightclubs in NC1 and NC2 zones.