

ORDINANCE

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1
2 AN ORDINANCE relating to the licensing and regulation of nightlife establishments;
3 establishing a Nightlife Commission; and adding a new Chapter 6.280 to the Seattle
4 Municipal Code.

5 WHEREAS, many neighborhoods throughout Seattle, including downtown, have experienced a
6 significant growth in nightlife establishments; and

7 WHEREAS, the growth of nightlife establishments has contributed greatly to the economic
8 vitality and cultural vibrancy of the city, strengthening Seattle's international image as a
9 music and entertainment capital; and

10 WHEREAS, the growth of nightlife establishments in close proximity to residential areas has
11 sometimes caused concern among neighboring residents, with common complaints
12 centered on public safety, noise, littering, and liquor control law violations; and

13 WHEREAS, the Mayor formed a Nightlife Task Force in October 2005 (composed of nightlife
14 establishment owners and resident groups) to assist the City in coordinating, planning and
15 regulating nightlife premises throughout the city, while balancing the needs of a vibrant
16 and healthy nightlife industry with the needs of residents and other businesses who share
17 the same neighborhoods; and

18 WHEREAS, a comprehensive plan of assistance to operators of nightlife establishments is
19 needed to address all the issues facing nightlife in Seattle; and

20 WHEREAS, success in other cities demonstrates that identifying and implementing best
21 practices, establishing operating standards for nightlife establishments, and intervening
22 early in potential problem situations can help prevent many of the common issues from
23 becoming chronic problems; and

24 WHEREAS, the creation of a Nightlife Commission (which will include representatives of
25 nightlife premises licensees and neighborhood residents), will promote a safe, vibrant
26 nightlife industry; and

27 WHEREAS, reasonable operating standards applicable to nightlife establishments will promote
28 public safety and increase predictability for both establishments and their neighbors, and
will eliminate the need for individually negotiated good neighbor agreements; NOW
THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 6.280 is added to the Seattle Municipal Code as follows:

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6.280.015 Definitions.

For the purpose of this chapter:

A. "City" means the City of Seattle.

B. "Department" means the Department of Executive Administration, or successor entity.

C. "Director" means the Director of the Department of Executive Administration or successor entity, or his or her designee.

D. "Division Director" means the Director of the Department's Division of Revenue and Consumer Affairs or successor entity, or his or her designee.

E. "Hearing Examiner" means the City of Seattle Hearing Examiner, or his or her designee.

F. "Licensee" means the person, persons, or entity that has applied for and been issued a nightlife premises license. For purposes of SMC Section 6.280.080, licensee includes employees and agents of the licensee.

G. "Liquor" has the same meaning as in chapter 66.04 RCW.

H. "Nightlife Premises" means any for-profit business open to the public;

1. in which at any time between the hours of 10:00 p.m. and 6:00 a.m. liquor is sold to the public;

2. which charges patrons an admission charge as a condition for admission to the premises;

3. whose total revenue from liquor sales and admissions charges represents fifty percent (50%) or more of its total revenues; and,

1 4. has any assembly space within the premises with a maximum occupancy of two-
2 hundred (200) or more persons as provided in a Certificate of Occupancy issued by the City.

3 I. "Nightlife Commission" or "Commission" means the commission authorized by this
4 ordinance.

5 J. "Person" means any individual, sole proprietorship, partnership, corporation,
6 association, or other public or private organization of any character.

7 K. "Premises" means any location where a nightlife premises is operated, and shall
8 include any room, place, space, or portion thereof, including hallways and restrooms, as well as
9 all other areas, such as parking lots, that are under the ownership or control of the applicant or
10 licensee and that are accessible to patrons or employees.

11 **6.280.020 License required.**

12 A. It is unlawful for any person to operate a nightlife premises without having a valid
13 nightlife premises license issued pursuant to this chapter.

14 B. A separate license is required for each location at which a nightlife premises is
15 operated.

16 **6.280.030 Transfer.**

17 No license shall be transferable from one person to another.

18 **6.280.040 Application for license.**

19 A. License applications shall be filed with the Director on forms provided by the
20 Department and shall include:

- 21 1. The name and business address of the applicant, and the name and business
22 address of the applicant's partners, owners, officers, directors, and the establishment's
23 primary manager. If the applicant is a corporation, the name of the corporation shall
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1 be set forth exactly as shown in its articles of incorporation, and the applicant shall set
2 forth the date and place of incorporation, the names and residence addresses of each
3 of the officers, directors, and each stockholder owning more than ten percent (10%)
4 of the stock of the corporation. If the applicant is a partnership, the application shall
5 set forth the name and residence address of each partner, including limited partners.
6 If one or more of the partners is a corporation, the provisions of this section
7 pertaining to a corporate applicant shall apply.

8
9 2. The name of the business and the business address of the location for which the
10 license is sought.

11 3. A copy of a floor plan of the premises showing all points of ingress and egress, a
12 copy of either the nightlife premises' current liquor license or the nightlife premises'
13 pending application for a liquor license; a copy of either the current valid Certificate
14 of Occupancy ("Certificate") for the premises or, if the current Certificate does not
15 accurately reflect current uses of the premises or if a new applicant has applied for
16 but not yet received a Certificate, a copy of the pending application for such a
17 Certificate.

18
19 4. A completed license application questionnaire. The Director shall develop the
20 questionnaire after receiving comments from the Nightlife Commission. An
21 applicant's responses in the questionnaire shall include a description of the measures
22 the applicant will implement in order to comply with SMC 6.280.080. The Office of
23 Economic Development may, upon a request by the applicant, review the
24 questionnaire and provide assistance to the applicant.
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1 5. Whether the applicant or any one of the applicant's partners, officers, directors, or
2 the establishment's primary manager has, in the past five (5) years, been convicted of
3 any crime. Any corporate applicant shall state whether any stockholder owning more
4 than ten percent (10%) of the stock of the corporation has, in the past five (5) years,
5 been convicted of any crime. For purposes of this subsection, "convicted" includes
6 any suspended or deferred sentence or acceptance of any deferred prosecution or
7 diversion from formal adjudication. If any person mentioned in this subsection has
8 been so convicted, the application must contain a statement giving the name of the
9 person so convicted, the place and court in which the conviction was obtained, the
10 caption and cause number under which the conviction was obtained, the specific
11 charge under which the conviction was obtained, and the sentence as a result of the
12 conviction.
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15 6. The name and address of an agent residing in King County to whom any notice
16 issued under this chapter may be sent.

17 B. An application is complete only when the applicant has submitted to the Department
18 all information required by this section together with payment of the applicable fees.

19 C. Upon receipt of a complete application, the Department shall circulate the application
20 to the City's Police Department, Department of Planning and Development, Fire Department, and
21 Department of Neighborhoods, the Nightlife Commission and to the King County Department of
22 Public Health, or their functional successors ("departments"). The departments shall review the
23 application to determine if the proposed operation of the nightlife premises complies with this
24 chapter and other applicable laws. The departments shall, within fifteen (15) days of their
25 receipt of the application, make a recommendation to the Division Director regarding whether
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1 the license should be granted or denied. A department's failure to respond shall not be a basis
2 for denying an application. The Nightlife Commission may, within fifteen (15) days of its
3 receipt of the application, provide comments to the Division Director regarding whether the
4 license should be granted or denied.

5 D. The Division Director may also seek comment on the application from the
6 Washington State Liquor Control Board, and other governmental agencies the Division Director
7 determines to have relevant information.

8 **6.280.050 Term.**

9 All Nightlife Premises licenses, except interim licenses, shall expire on December 31st of
10 each calendar year.

11 **6.280.055 Timing of renewal applications.**

12 An application for a renewal of a license shall be filed with the Department between
13 ninety (90) days and forty-five (45) days prior to the expiration of the current license.

14 **6.280.060 Fee schedule.**

15 The initial application fee for a nightlife premises license shall be Three Hundred Fifty
16 Dollars (\$350). The annual license fee shall be Three Hundred Dollars (\$300). Both the
17 application fee and the annual license fee shall be tendered as part of the complete license
18 application. If an application is made for a new license to be effective during the last six (6)
19 months of an annual license period, the license fee shall be one-half (1/2) of the license fee.

20 **6.280.070 Grant or denial of a Nightlife Premises license.**

21 A. The Division Director, after consultation with other City departments and the
22 Nightlife Commission, shall determine whether the applicant's completed application, including
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1 the applicant's responses to the questionnaire, appear reasonably adequate to prevent violations
2 of SMC 6.280.080.

3 B. Within thirty (30) days of the filing of a complete application for a license or any
4 renewal thereof, the Division Director shall grant or deny the license, or communicate to the
5 applicant in writing additional information the applicant must submit before the Division
6 Director can make a final decision regarding the application. If the Division Director requests
7 additional information, he or she shall grant or deny the application within fifteen (15) days of
8 the receipt of such additional information. All denials shall be in writing, and shall state specific
9 facts and conclusions supporting the denial. A copy of all denials shall be sent to members of the
10 Nightlife Commission.

11
12 C. The Division Director shall grant the license or any renewal thereof unless he or she
13 makes one or more of the following findings:

- 14 1. The premises of the proposed nightlife premises does not comply with a State,
15 King County or City health, safety, zoning or fire law;
- 16 2. The applicant's responses to the license application questionnaire are not
17 reasonably adequate to prevent one or more violations of this chapter, including SMC
18 6.280.080;
- 19 3. The applicant has not complied with the requirements of SMC Section 6.280.040;
- 20 4. The applicant made a false statement or material omission in the application;
- 21 5. The applicant has not obtained all applicable City licenses or permits, or has failed
22 to pay applicable City taxes or fines;
- 23 6. The applicant, or any one of the applicant's partners, owners, officers, directors, or
24 the primary manager, owns, operates or manages a nightlife premises whose license is
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1 currently suspended, or has owned, operated, or managed a nightlife premises which
2 has within a year preceding the receipt of the application:

- 3 a. Had a nightlife premises license revoked or a retail liquor license canceled or
4 revoked;
- 5 b. Been determined by a court or administrative tribunal to constitute a public
6 nuisance; or
- 7 c. Ceased operations after a public nuisance action involving such business has
8 been commenced by the City or other governmental unit.

9
10 **6.280.075 Interim Nightlife Premises License.**

11 A. A person operating a nightlife premises as of the effective date of this ordinance may
12 apply for an interim nightlife premises license by submitting an application within sixty (60)
13 days of the effective date of this ordinance.

14 B. The Division Director shall issue an interim license to an applicant who has submitted
15 a complete application unless the Division Director determines that the applicant has engaged in
16 practices that are or would be a violation of this chapter.

17 C. An interim license shall authorize the licensee to operate a nightlife premises for a
18 period not to exceed twelve (12) months pending a full review of the applicant's application and
19 questionnaire. An interim license shall be subject to all other provisions of this chapter in the
20 same manner as a nightlife premises license.

21 D. The Division Director shall complete a full review of the license application and
22 questionnaire within twelve (12) months of the issuance of an interim nightlife premises license
23 and shall issue a final decision either granting or denying the application for a nightlife premises
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1 license. Upon issuance of the final decision, the interim license shall be canceled and have no
2 further effect.

3 **6.280.080 Prevention of Violence.**

4 Nightlife premises licensees are required to implement all reasonable measures to prevent
5 violent criminal activity on the premises. Violent criminal activity means conduct that would
6 constitute a violation of:

- 7 1. Any crime that is defined as a violent offense by RCW 9.94A.030(50)(i)-(xi); or
- 8 2. SMC Sections 12A.06.010, 12A.06.025, 12A.14.080, or
- 9 3. RCW Sections 9.41.300(d), 9A.36.031, or 9A.36.041.

10 **6.280.090 Notice of Violation.**

11 If the Division Director has reasonable cause to determine that a nightlife premises
12 licensee has violated a provision of this chapter, the Division Director shall serve a Notice of
13 Violation (NOV) upon the licensee or agent designated pursuant to this chapter. The NOV shall
14 be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons,
15 or sent by first class mail. Service shall be complete at the time of personal service, or if mailed,
16 three (3) days following the date of mailing. If a NOV sent by first class mail is returned as
17 undeliverable, service may be made by posting the NOV at a conspicuous place on the nightlife
18 premises. The Division Director shall, contemporaneously with service of an NOV, inform the
19 members of the Nightlife Commission that such action is being taken.

20 The NOV shall: 1) specify the provision the Division Director believes the licensee has
21 violated; 2) summarize the facts upon which the Division Director relies in making that
22 determination; and 3) state the penalty or other consequences of the violation. If a licensee has
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1 not received a NOV within the last 18 months, the Division Director shall attach to a NOV a
2 request for the licensee to meet with the Nightlife Commission.

3 **6.280.100 Penalties for Violations.**

4 Upon finding a second or subsequent violation of SMC Section 6.280.080 within any
5 eighteen (18) month period, the Division Director may, issue a suspension by written notice to
6 the licensee.

7 **6.280.110 Notice of License Suspension or Revocation.**

8 A notice of suspension or revocation shall state the specific grounds for suspension and
9 that the suspension or revocation shall go into effect ten (10) days from the date of the notice
10 unless the licensee, within that time, delivers a written request for a hearing to the Hearing
11 Examiner and to the Director. The Director shall send a copy of the Notice of Suspension or
12 revocation to the Washington State Liquor Control Board and the Nightlife Commission.
13

14 **6.280.120 Periods of suspension.**

15 A. The first suspension of a Nightlife Premises license under SMC Section 6.280.100
16 shall be for a period of up to seven (7) days. The second suspension of a Nightlife Premises
17 license under SMC Section 6.280.100 shall be for a period of up to thirty (30) days. The third
18 suspension within any eighteen (18) month period for a violation of SMC Section 6.280.080
19 shall result in revocation of the license.
20

21 B. Any person who has had a Nightlife Premises license revoked may not apply for
22 another Nightlife Premises license for a period of one (1) year from the date of such revocation.
23

24 C. For the purposes of this section, calculation of the period of eighteen (18) months
25 shall not include any period of time during which the license was suspended.
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27 **6.280.130 Response and Request for Administrative Review.**

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1 A. A licensee or applicant may request that the Department conduct an administrative
2 review of the Division Director's: 1) denial of an interim nightlife premises license, 2) denial,
3 suspension, or revocation of a nightlife premises license or a renewal thereof; or 3) issuance of a
4 Notice of Violation.

5 B. A licensee's request shall be made in writing to the Division Director and must be
6 received within 10 business days after issuance of the decision to be reviewed. The applicant's
7 or licensee's response shall also state any facts in the denial, suspension, revocation, or NOV that
8 the licensee contests and any different or additional facts or other information, including any
9 additional measures the licensee has taken to correct the violation(s) or to prevent future
10 violations, that the applicant or licensee wants the Department to consider as part of the
11 administrative review.

12 C. The applicant or licensee may also request in its response a meeting with either the
13 Division Director or the Commission to discuss the license denial, suspension, revocation, or
14 NOV and the licensee's response. The Division Director shall meet with the licensee if the
15 licensee has made a timely request. Minutes of any such meeting shall be made and included in
16 the official record of the matter. The Commission may review and provide comments to the
17 Division Director concerning the NOV or the licensee's response.

18 D. If the applicant or licensee submits a response and a timely written request for an
19 administrative review, the Division Director shall review the denial, suspension, revocation, or
20 NOV and consider the information provided by the licensee in the response, may conduct a site
21 visit or otherwise investigate the facts, and shall make a written recommendation to the Director.
22 The Division Director shall inform the members of the Commission of any site visits and
23 Commission members may attend. The Division Director may recommend that a denial,
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1 suspension, or revocation be reversed or affirmed, or that a NOV be withdrawn, modified, or
2 affirmed. The factual record regarding the matter is then closed.

3 E. If the applicant or licensee does not submit a timely written response and a request for
4 an administrative review: 1) the license denial, suspension, revocation, or NOV shall be final;
5 and, 2) the violation or violations described in the NOV shall be established as having occurred
6 as described in the NOV.

7
8 **6.280.140 Director's Administrative Review.**

9 If the applicant or licensee has submitted a timely written request for an administrative
10 review, the Director shall review the record, including the NOV or license denial, suspension or
11 revocation; the applicant's or licensee's response; the recommendation of the Division Director;
12 and any information relied upon by the Division Director in making that recommendation. The
13 Director shall issue a draft written decision based upon that review of the record, and may
14 reverse or affirm a denial, suspension, or revocation, and may withdraw, modify, or affirm a
15 NOV. This draft written decision shall be submitted to the Commission for review. The
16 Commission shall have twenty (20) business days to review the draft written decision and
17 provide comments to the Director. The Director shall consider any comments received from the
18 Commission within those twenty (20) days and issue a decision that shall become final upon
19 service in the manner set forth in SMC Section 6.280.090. The Director shall provide a written
20 response to the Commission addressing the Commission's comments prior to issuing a final
21 decision.

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24 **6.280.150 Summary Suspension of Nightlife Premises License.**

25 The Director may summarily suspend a nightlife premises license as provided in SMC
26 Section 6.202.240.
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6.280.160 Determinations.

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2 In making any decisions or determinations required or permitted by this chapter, the
3 Department may rely upon, among other things, written reports issued by law enforcement
4 officers in the course of their duties, and upon the type of civilian reports that would ordinarily
5 be relied upon by law enforcement officers in making determination regarding probable cause.
6 Determinations regarding license applications, suspensions, revocations, and NOV's are
7 administrative in nature, and may be established by a preponderance of the evidence under all the
8 circumstances.
9

10 **6.280.170 Appeal of Denial of Interim License Application, Initial License**
11 **Application, or Renewal License Application or Suspension or Revocation of License.**

12 An applicant may appeal the Director's final decision that: denies an interim license
13 application, denies an initial application for a license, or denies an application for a renewal
14 license. A licensee may appeal the Director's final decision suspending or revoking their license.
15 An applicant or licensee may file an appeal with the Office of the Hearing Examiner only if the
16 applicant or licensee has exhausted the administrative review process provided in SMC Sections
17 6.280.130 and 6.280.140.
18

19 Appeals must be made in writing and served on the Office of the Hearing Examiner and
20 on the Director no later than ten (10) days after the mailing of the notice of the Director's final
21 decision. Except for good cause shown, or upon agreement of the parties, the Hearing Examiner
22 shall commence a hearing within forty-five (45) days of receiving a notice of appeal. The
23 Hearing Examiner shall conduct the hearing pursuant to the Hearing Examiner's rules for the
24 conduct of hearings. The Director has the burden to prove by a preponderance of the evidence
25 that grounds for denial, suspension, or revocation exist.
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1 The Nightlife Commission may submit a report to the Hearing Examiner concerning the
2 Directors decision related license denial, suspension or revocation. The Hearing Examiner shall
3 consider this report as part of its review. The Hearing Examiner shall affirm, vacate or modify
4 the Director's decision regarding the license denial, suspension, or revocation. If appealed, the
5 Director's decision denying a renewal license application or decision suspending or revoking a
6 license shall be stayed until the Hearing Examiner issues a final decision. Summary suspensions
7 under SMC Section 6.202.240 shall not be stayed during appeal.
8

9 The Hearing Examiner shall issue a decision including findings of fact and conclusions of
10 law within fifteen (15) days of the close of the record.

11 A licensee aggrieved by the Hearing Examiner's final decision may seek judicial review
12 in King County Superior Court as provided in chapter 7.16 RCW. Such appeal must be filed
13 within fourteen (14) days of the date the Hearing Examiner's decision is issued.
14

15 **6.280.180 Operating without a license--Penalties.**

16 A. Civil Penalty. Any person who operates a nightlife premises without a valid nightlife
17 premises license issued pursuant to this chapter shall be subject to a cumulative civil penalty of
18 \$1,000.00 (One Thousand Dollars) per day for each violation. The penalty imposed by this
19 section shall be collected by civil action brought in the name of the City. In any action for a
20 penalty, the City has the burden of proving by a preponderance of the evidence that a violation
21 exists or existed.
22

23 B. Alternative Criminal Penalty. Any person who operates a nightlife premises without
24 a valid nightlife premises license issued pursuant to this chapter shall be guilty of a misdemeanor
25 subject to the provisions of SMC Chapters 12A.02 and 12A.04, except that absolute liability
26 shall be imposed for such a violation or failure to comply and none of the mental states described
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1 in SMC Section 12A.04.030 need be proved to prosecute such violations criminally as an
2 alternative to the citation procedure outlined in this chapter. Each day that a person operates a
3 nightlife premises without a valid license shall constitute a separate violation of this section.

4 **6.280.190 Rules.**

5 The Director may issue rules to implement and enforce the provisions of this chapter,
6 including but not limited to policies and procedures for granting, denying, or suspending a
7 nightlife premises license.
8

9 Section 2. A new section is added to the Seattle Municipal Code as follows:

10 **6.280.200 Nightlife Commission**

11 A. The Nightlife Commission shall consist of nine (9) members. Members in odd-
12 numbered positions from one (1) thru seven (7) shall be appointed by the Mayor. Members in
13 even-numbered positions from two (2) thru eight (8) shall be appointed by a majority vote of the
14 City Council. The member in position nine (9) shall be appointed by a majority vote of the other
15 members of the Nightlife Commission. Appointments to odd-numbered positions shall be
16 subject to confirmation by a majority of the City Council. The Mayor or City Council may
17 remove any member it appoints to the Commission. The member appointed by the Commission
18 may be removed by an affirmative vote of six of the other members of the Board.
19

20 B. The positions on the Nightlife Commission shall be numbered one (1) thru nine (9).
21 Positions one (1) thru four (4) shall be filled with representatives from the music and nightlife
22 industry. Position five (5) shall be filled with a neighborhood representative from northern part
23 of the city (north of the ship canal). Position six (6) shall be filled with a neighborhood
24 representative from the central part of the city (south of the ship canal and north of Interstate 90).
25 Position seven (7) shall be filled with a neighborhood representative from the southern part of
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1 the city (south of Interstate 90). Position eight (8) shall be filled with a neighborhood
2 representative from West Seattle (including the Greater Duwamish). Position nine (9) shall be
3 filled with an at-large member.

4 C. Members of the Commission shall serve a three (3) year term and may be reappointed
5 to one additional term for a total of two (2) terms. Service on the Commission is voluntary and
6 members shall not be compensated.

7
8 D. The Commission shall meet at minimum once a month. The City of Seattle's Office
9 of Film and Music shall staff the Nightlife Commission.

10 E. Duties of the Commission.

11 1. The Commission's duties shall include advising the City regarding: (1) the
12 promotion, development and sustainability of the nightlife industry in Seattle; (2) the
13 development of guidelines for effective and responsible business practices for the operation of
14 nightlife establishments (including guidelines to promote the safety of operators, patrons,
15 entertainers and promoters); (3) the effectiveness of the City's enforcement of nightlife related
16 regulations; (4) the emerging nightlife issues related to increasing density in urban villages and
17 centers; (5) new ideas related to balancing neighborhood and residential needs with a vibrant and
18 active nightlife environment and (6) the implementation of the nightlife licensing program,
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20 including but not limited to, development of the nightlife license application questionnaire.

21
22 2. The Commission shall review and make recommendations to the City on the
23 renewal of liquor licenses. The Commission may provide DEA with comments on applications,
24 NOVs and Director's Administrative Review decisions. The Commission shall review and make
25 recommendations on nightlife establishment safety plans required by the City. The Commission
26 shall may make itself available to nightlife establishments and neighborhood residents that want
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1 to discuss methods to mitigate conflicts and issues related to nightlife activity. The Commission
2 shall prepare and submit an annual report to the Mayor and City Council no later than July 1 of
3 each year advising the City regarding the effectiveness of the City's enforcement of regulations
4 related to the nightlife industry and observations about nightlife in Seattle.

5 3. The Commission shall review the effectiveness of new nightlife related legislative
6 actions adopted by the City Council in 2007 and existing regulations applicable to nightlife
7 premises. The Commission shall monitor the results of changes made to the City's public
8 nuisance code (Council Bill 115954), new requirements related to nightclub safety plans
9 (Council Bill 115955), new nightlife enforcement efforts (Resolution 31005), other nightlife
10 related public safety strategies (Resolution 31004), modifications made to the City's noise
11 ordinance related to nightlife establishments and existing regulations, including but not limited
12 to, applicable land use code, fire code, and building code regulations. To assist the Commission
13 in its evaluation and prior to its review, the Commission shall define negative activity and
14 develop an index to measure it ("negative activity index"). The Commission shall hold a public
15 hearing and receive testimony on the definition of negative activity and potential index factors.
16 The final report from the Commission shall be based on its independent review and analysis of
17 the before-mentioned legislative actions and regulations and shall be based on no less than 6
18 months worth of data reflected in the negative activity index.

19 The Commission shall forward a final report to the Mayor, City Council and Director of
20 the Department of Executive Administration (DEA) on the effectiveness of the City's efforts to
21 address nightlife related issues no later than August 1, 2008.

22 **Section 3. Severability.**

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1 If any provision, section, subsection, subdivision, paragraph, sentence, clause or
2 phrase of this chapter shall be held void or unconstitutional, all other parts, provisions and
3 sections of this chapter not expressly so held to be void or unconstitutional shall continue in full
4 force and effect.

5 **Section 4. Effective dates.** This ordinance, with the exception of Section 1, shall take
6 effect and be in force thirty (30) days from and after its approval by the Mayor, but if not
7 approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as
8 provided by Municipal Code Section 1.04.020. Section 1 of this ordinance shall take effect on
9 September 15, 2008.

12 Passed by the City Council the ____ day of _____, 2007, and signed by me in
13 open session in authentication of its passage this ____ day of _____, 2007.

16 _____
President _____ of the City Council

17 Approved by me this ____ day of _____, 2007.

20 _____
Gregory J. Nickels, Mayor

21 Filed by me this ____ day of _____, 2007.

23 _____
City Clerk

24 (Seal)

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