ORDINANCE No. 112523

COUNCIL BILL No. 105125

AN ORDINANCE relating to the Seattle Center Department; adding a new section, Section 17.16.015, to the Seattle Municipal Code to establish fees and charges and terms and conditions for use of certain Seattle Center facilities, and repealing SMC 17.16.020 and SMC 17.16.025 as well as Ordinances 109490, 110896, 111433, and 112031 in connection therewith.

REC'D CMS NOV 26 1985

Budget Committee

COMPTROLLER FILE No.

Introduced: SEP 23 1985	By: EXECUTIVE REQUEST
Referred: SEP 23 1985	To: BUDGET
Referred:	To:
Referred:	To:
Reported: NOV 25 1985	Second Reading: NOV 25 1985
Third Reading: NOV 25 1985	Signed: NOV 25 1985
Presented to Mayor: NOV 26 1985	Approved: DEC 5 1985
Returned to City Clerk: DEC 5 1985	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

The City of

Honorable President:

Your Committee on

to which was referred the within Cou

report that we have considered the sa

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

ittee on

es referred the within Council Bill No.

we have considered the same and respectfully recommend that the same:

Vote 8-0

Committee Chair

GBD:ctb
9/17/85
V.ORD13.1

ORDINANCE 112573

AN ORDINANCE relating to the Seattle Center Department; adding a new section, Section 17.16.015, to the Seattle Municipal Code to establish fees and charges and terms and conditions for use of certain Seattle Center facilities, and repealing SMC 17.16.020 and SMC 17.16.025 as well as Ordinances 109490, 110896, 111433, and 112031 in connection therewith.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1986, a new section, Section 17.16.015, is added to the Seattle Municipal Code as follows:

Section 17.16.015. The Director of the Seattle Center Department is authorized to charge and collect fees for the use, on and after January 1, 1986, of certain Seattle Center facilities, services, and equipment provided to the users thereof, and to condition such use on compliance with certain general terms and conditions, all as specified in Exhibit 1986.

Section 2. Effective January 1, 1986, Seattle Municipal Code Sections 17.16.020 and 17.16.025 and the following ordinances,

Ordinance 109490 entitled

"AN ORDINANCE relating to the Seattle Center Department; adding a new exhibit, Exhibit B-1981 to Ordinance 107055, and authorizing the imposition and collection of fees and charges and the application of certain terms and conditions for the use of certain Seattle Center facilities during 1981";

and Ordinance 110896 entitled

"AN ORDINANCE relating to the Seattle Center Department; adding a new section, Section 17.16.025 to the Seattle Municipal Code to specify fees and charges and the application of certain terms and conditions for the use of certain Seattle Center facilities, and repealing SMC Section 17.16.020, Section 2 of Ordinance 108658 and Section 1 of Ordinance 109490";

and Ordinance 111433 entitled

"AN ORDINANCE relating to the Seattle Center Department; amending Section 17.16.020 of the Seattle Municipal Code to revise the fees and charges and the application of certain terms and conditions for the use of certain Seattle Center facilities";

and Ordinance 112031 entitled

"AN ORDINANCE relating to the Seattle Center Department; amending Section 17.16.020 of the Seattle Municipal Code to revise the fees and charges and the application of certain terms and conditions for the use of certain Seattle Center facilities"

are each repealed.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of November, 1985, and signed by me in open session in authentication of its passage this 25th day of November, 1985.

President of the City Council.

Approved by me this 5th day of December, 1985.

Mayor.

Filed by me this 5th day of December, 1985.

Attest:

City Comptroller and City Clerk.

(SEAL)

Published

By Theresa Dunbar

Deputy Clerk.

CS 8.1.6

SEATTLE CENTER

1986 Facility License Fees and Charges

GENERAL TERMS AND CONDITIONS

1. DEFINITIONS

a. "Nonprofit organizations" means organizations, corporations or associations that are currently recognized by the United States of America as exempt from federal income taxation pursuant to Section 501 (c) (3) of the Internal Revenue Code of 1954, 26 U.S.C. 501, or a division, department or instrumentality of state or local government devoted to the arts.

b. "Competition" means an event requiring judging, playoff, and/or preliminary games or contests prior to a final or main event on the same day and where the admission charge for the final or main event includes admission to the preliminary activities.

c. "Convention" means a convocation of members of a not-for-profit national or international organization or association that periodically is convened as prescribed in the entity's charter, articles of incorporation, by-laws or similar governing document; the term does not mean or include any convocation of members of a state-wide or regional organization, association or other entity, nor any convocation of a for-profit business or commercial venture.

d. "School performance" means a cultural program staged primarily for elementary, junior and senior high school students between 8:00am and 1:00pm, Monday through Friday excluding Washington State holidays.

e. "Major facility" means the Coliseum, Opera House, Arena, Playhouse, Bagley Wright Theatre, Exhibition Hall and Flag Pavilion.

2. MOVE IN/OUTS

a. On the day of the event, no additional license fee charge will be made for a move in/out accomplished between 7:00am and 12:00 midnight. Applicable overtime charges will be assessed outside of those hours at the discretion of the Director or his designee.

b. For move in/out purposes, a licensed user that has an event scheduled on any particular day will be given preference over any other licensed user.

3. PERCENTAGE LICENSE FEE

Percentage license fees apply to gross sales of admission tickets from all sources, less admission taxes and/or Washington State Athletic Commission taxes. If the performance, activity or use is exempt from admission taxes, then the percentage license fee is applied to total sales. Admission sales for all events must be substantiated by a ticket manifest and box office statement certified by the box office treasurer and City tax collector or the City tax collector, only.

4. LICENSE FEE PAYMENT

Payment of minimum license fee(s) is required upon execution of the Licensing Agreement. If fee is to be calculated on a percentage, the advance payment will be based on the applicable minimum fee. The difference between that minimum and the percentage will be collected at the time of the event.

5. CONTINGENCY FEE

A contingency deposit may be required to cover some portion of the estimated labor, equipment, services, damage, or any other incidental charges incurred during the event, or as a partial security for payment in full of all event-related expenses. Any portion of the contingency deposit not utilized will be refunded.

6. CANCELLATION CHARGE

Licensed events cancelled sixty (60) days or less before scheduled date will be subject to a cancellation charge of 100 percent of the paid fee or the daily minimum license fee for each cancelled event, performance or show day, whichever is greater, less any paid contingency fee. Deposits or paid fees are not transferable to a subsequent date or facility. When events covering multiple days and facilities and licensed two or more years in advance cancel less than eighteen (18) months before the event, cancellation fee shall be 50 percent of the deposited license fee.

7. REHEARSALS

a. On performance days, preference for rehearsal purposes will be given to that licensed user of the facility that has a performance scheduled therein.

b. There will be no charge for rehearsals in the facility on performance days unless an audience is present, in which case the applicable license fee shall be as specified in Schedule A or B, as appropriate.

8. EVENT PERIODS

a. A spectator/entertainment event in any major facility is a performance as that term is used in Schedules A and B and consists of four (4) consecutive hours or any fraction thereof during a morning, afternoon or evening period, and includes ingress and egress time of patrons attending the event.

b. A meeting, dinner dance, animal show, competition, trade show, exposition, sale, and event in the Conference Center, Northwest Rooms and Mercer Forum areas consists of eight (8) consecutive hours between 7:00am and 12:00 midnight, unless otherwise specified on the Licensing Agreement.

c. Rehearsal Hall use permitted upon payment of the fee specified in Schedule A consists of four (4) consecutive hours. Rehearsal Hall use permitted under the fee specified in Schedule B consists of any daily use between the hours of 8:00am and 12:00 midnight.

d. A convention as defined herein consists of twelve (12) consecutive hours between the hours of 7:00am and 12:00 midnight in all facilities.

e. Accumulated overtime fee for any one facility for any day shall not exceed the basic or minimum license fee for one day's use.

9. SEATTLE CENTER SERVICES

Services provided by Seattle Center, on the day(s) of the event, in consideration of payment of applicable license fees shall include:

a. heat or air conditioning as provided in the building or in accordance with any federal or state guidelines;

b. general illumination;

c. normal clean-up;

d. standard approved seating configurations;

e. facility's standard sound system;

f. use of other equipment available to the facility as described in the Event Service Mnaual;

g. the readerboard associated with the facility;

h. the services of a custodian and matron, if required, but not to exceed eight (8) consecutive regular time hours;

i. the services of a stage and sound technician, not to exceed two (2) hours each without charge for one (1) performance per day as required in the Arena, Bagley Wright Theatre, Coliseum, Opera House or Playhouse;

j. charges will be assessed for variations from these standard provisions at rates in effect at the time of utilization.

Other services may be made available for an additional charge as described in Event Service Manual.

ADDITIONAL SCHEDULE B TERMS AND CONDITIONS

1. General Schedule B license fee rates shall be applied as follows:

   a. To any nonprofit performing arts organization that presents its own company as a solo performance or event open to the general public, or its own company in consort with or in conjunction with another entertainer, "headliner" or performing group;

   b. To any other nonprofit organization presenting its own performing arts event produced with members of its own organization and open to the general public; and

   c. To any for-profit, performing arts school presenting a recital by one or more of its own students in the Playhouse or Bagley Wright Theatre.

   Notwithstanding any other provision hereof, any nonprofit organization that presents to the general public a special entertainer, " headliner" or performing group independent of, or not in conjunction with, a performance of its own company shall pay the applicable fees indicated in Schedule A.

2. The rate for school performances shall be charged whenever the licensed user has booked and the Seattle Center has confirmed the facility for regularly scheduled performances on the same, preceeding or succeeding days. Schedule A rates shall apply to all other school performances unless such performances are confirmed less than ninety (90) days in advance of the date of the event.

ADDITIONAL SCHEDULE C TERMS AND CONDITIONS (DISCOUNTS AND SPECIAL FEES)

1. CATERING

   The Director or his designee may authorize a caterer to provide food and /or beverage service for an event on the Seattle Center grounds or in any facility listed below when such caterer has obtained and presented to the Seattle Center Director or his designee, the following material:

   1) a copy of the caterer's City of Seattle business license;
   2) a copy of the caterer's food establishment permit from the Seattle-King County Public Health Department;
   3) a certificate of insurance demonstrating that the caterer has secured and is maintaining general comprehensive public liability insurance providing coverage of at least $1,000,000.00, under which the City of Seattle is named as an additional insured; and
   4) a copy of a letter of credit for an amount not less than $2,000.00.

   Any such caterer shall pay the following percentage fees, or minimum facility usage fees, whichever is greater:

   a. Percentage Fees:

Food	14% of gross sales excluding Washington State sales tax
Alcoholic Beverage	22% of gross sales excluding Washington State sales tax
Rental Equipment	10% of gross sales excluding Washington State sales tax

b. Minimum Facility Usage Fee:

Exhibition Hall	$1,125.00	Mercer Forum	$540.00
Arena	750.00	Room I	75.00
Coliseum	2,200.00	Room II	82.00
Rainier Room	150.00	Room III	67.00
Olympic Room	112.00	Room IV	75.00
San Juan Suite	307.00	Room V	75.00
Orcas Room	60.00	Room VI	82.00
Lopez Room	60.00	Room VII	75.00
Fidalgo Room	60.00	Room VIII	67.00
Shaw Room	67.00	Flag Pavilion	450.00
Nisqually Room	75.00	Room A	300.00
Snoqualmie Room	160.00	Room B	150.00
Alki Room	150.00		

2. RADIO AND TELEVISION

Radio and television broadcasts may be made with the prior permission of the Director, subject to the payment of license fees in amounts specified by the Director, or his designated representative.

3. RECEPTIONS

The charge for receptions in the foyers or lobbies of the Opera House or Playhouse before or after performances is $150.00 per hour or fraction thereof.

4. LOBBY EXHIBITS

The use of the foyers or lobbies of the Opera House or Playhouse requires the prior permission of the Director and is subject to the following:

OPERA HOUSE: $500.00 per day including Move In/Out days
PLAYHOUSE: $300.00 per day including Move In/Out days

5. ARENA ICE USE

If an ice surface is available for use, as determined by the Seattle Center Director or his designee, then the Seattle Center Director or his designee shall charge the following fees to amateur hockey and/or ice skating associations for use of the Arena:

a. $200 per hour for a minimum of four (4) hours per day for any use that is requested and confirmable between thirty (30) and fifteen (15) days before the desired date of use.

b. $250 per hour for a minimum of four (4) hours per day for any use that is requested and confirmable fourteen (14) or fewer days before the desired date of use.

Provided that no such use shall be confirmable unless the ice surface will already be in existence on the day before, day of, or day after the desired date of use and no competing use will require the melting of such surface.

Provided further, that staff costs required for an audience shall be additional charges.

6. MISCELLANEOUS FACILITIES

License fees for miscellaneous facilities, Center House, Seattle Center grounds, areas or facilities not specifically designated or covered elsewhere in this schedule may be negotiated by the Director, or his designated representative.

7. CONVENTION CONSIDERATION (See General Terms and Conditions Sec. 1c)

a. One 12-hour day use of the Northwest Rooms will be included with every two (2) full days' rental of the Coliseum.

b. One 12-hour day use of the Mercer Forum will be included with every two (2) full days' rental of either the Arena or Exhibition Hall.

8. DISCOUNTS

a. For multiple day, public, popular entertainment events in the Coliseum where anticipated gross ticket sales for each performance exceed $150,000, the Director, at his discretion, may adjust the percentage rental fee for each performance after the first day's performance(s) to any level below twelve percent (12%) so long as the return to the City for the second and succeeding performance(s) is not less than $15,000 per performance.

b. For promotional purposes, on a one-time-only basis for each new customer, the Director or his designee, in his/her discretion, may offer introductory discounts of up to 50 percent of established fees for Mercer Forum and Conference Center rooms.

c. Customers scheduling a meal function for 1,000 people or more in the Exhibition Hall shall be granted free use of the Mercer Forum rooms on the day of the catered event, subject to availability.

d. The Director, at his discretion, and in order to meet known competition, may negotiate or otherwise enter into special agreements for any convention to reduce facililty rental fees up to fifty percent (50%) of established fees.

9. LATE PAYMENT CHARGES

Late payment charges will be assessed at the rate of 1.5% per month on outstanding accounts.

SCHEDULE A: FACILITY LICENSE FEE SCHEDULE

	LICENSE FEE[1]	EACH ADDITIONAL PERFORMANCE ON SAME DAY	FREE ADMISSION[2] EACH PERF	OVERTIME[6] PER HOUR	MOVE IN/OUT[3] FIRST 2 DAYS PER DAY	MOVE IN/OUT[3] THIRD DAY OR MORE PER DAY	REHEARSALS OTHER THAN PERFORMANCE DAY 8am-4pm	REHEARSALS OTHER THAN PERFORMANCE DAY 4pm-12 Midnight	WEEKDAY FEE[8] (M-T-W)
Arena	12% $1500 min.	12% $750 min.	$3500	$150	$750	$1500	$500	$1000	---
½ Arena	12% 1000 min.	12% 500 min.	3000	100	500	1000	300	700	---
Bagley Wright Theatre	900	450	---	100	450	900	350	550	---
Coliseum	12% 3000 min.	12% 1500 min.	10,000	300	1500	3000	1000	2000	---
Exhibition Hall[9]	12% 1500 min.	12% 750 min.	---	150	750	1500	500	1000	---
Flag Pavilion	600	---	---	60	300	600	---	---	---
A	400	---	---	40	200	400	---	---	---
B	200	---	---	20	100	200	---	---	---
Opera House	8% 1700 min.	8% 850 min.	3000	200	850	1700	500	1200	---
Rehearsal Hall[4]	200	---	---	50	---	---	---	---	---
Playhouse	700	350	---	100	350	700	250	450	---
Conference Center	450	---	---	30	250	450	---	---	225
A	100	---	---	15	50	100	---	---	50
B	60	---	---	15	30	60	---	---	30
C	60	---	---	15	30	60	---	---	30
D	30	---	---	10	15	30	---	---	15
E	30	---	---	10	15	30	---	---	15
F	60	---	---	15	30	60	---	---	30
G	60	---	---	15	30	60	---	---	30
H	100	---	---	15	50	100	---	---	50
Mercer Forum	720	---	---	40	400	720	---	---	360
I	100	---	---	15	50	100	---	---	50
II	110	---	---	15	55	110	---	---	55
III	90	---	---	15	45	90	---	---	45
IV	100	---	---	15	50	100	---	---	50
V	100	---	---	15	50	100	---	---	50
VI	110	---	---	15	55	110	---	---	55
VII	100	---	---	15	50	100	---	---	50
VIII	90	---	---	15	45	90	---	---	45
Northwest Rooms	1062	---	---	100	590	1062	---	---	---
Alki	200	---	---	20	100	200	---	---	---
Nisqually	100	---	---	15	50	100	---	---	---
Olympic	150	---	---	15	75	150	---	---	---
Rainier	200	---	---	20	100	200	---	---	---
San Juan	330	---	---	40	165	330	---	---	---
Orcas[10]	40	---	---	15	30	40	---	---	---
Lopez	120	---	---	15	60	120	---	---	---
Fidalgo	80	---	---	15	40	80	---	---	---
Shaw	90	---	---	15	45	90	---	---	---
Snoqualmie	200	---	---	20	100	200	---	---	---

SCHEDULE B: FACILITY LICENSE FEE SCHEDULE
FOR NON-PROFIT ORGANIZATIONS[7]
PRESENTING PERFORMING ARTS EVENTS

	LICENSE FEE[1]	EACH ADDITIONAL PERFORMANCE ON SAME DAY	SCHOOL PERFORMANCES[5]	OVERTIME PER HOUR[6]	MOVE IN/OUT[3] FIRST 2 DAYS PER DAY	MOVE IN/OUT[3] THIRD DAY OR MORE PER DAY	REHEARSALS OTHER THAN PERFORMANCE DAY 8am-4pm	REHEARSALS OTHER THAN PERFORMANCE DAY 4pm-midnight
Opera House	$1200	$600	$600	$120	$600	$1200	$400	$800
Rehearsal Hall[4]	120	---	---	25	---	---	---	---
Playhouse	350	175	175	50	175	350	150	200
Bagley Wright Theatre	450	225	225	75	225	450	200	250

1. See General Terms and Conditions, Section 8a-d
2. Public entertainment events only.
3. See General Terms and Conditions, Section 2.
4. See General Terms and Conditions, Section 8c.
5. See General Terms and Conditions, Section 1d. & Schedule B Terms & Conditions, Section 2
6. See General Terms and Conditions, Section 8e.
7. See General Terms and Conditions, Section 1a, & Schedule B Terms & Conditions, Sections 1a-c.
8. Does not apply on move-in or out days.
   On multiple days set-up must remain the same for all days.
9. For meetings in full theatre style, rental fee plus 15¢ per chair.
10. No fee when used as foyer.

C-885-X

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter refered to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a Ordinance No. 112573

was published on December 9, 1985

B. Blair

Subscribed and sworn to before me on December 9, 1985

Barbara A. Tomas

Notary Public for the State of Washington, residing in Seattle.

City of Seattle

ORDINANCE 113573

AN ORDINANCE relating to the Seattle Center Department; adding a new section, Section 17.16.015, to the Seattle Municipal Code to establish fees and charges and terms and conditions for use of certain Seattle Center facilities, and repealing SMC 17.16.020 and SMC 17.16.025 as well as Ordinances 109490, 110896, 111433, and 112031 in connection therewith.

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Passed by the City Council the 25th day of November, 1985, and signed by me in open session in authentication of its passage this 25th day of November, 1985.

President of the City Council.

Approved by me this 5th day of December, 1985.

Mayor.

Filed by me this 5th day of December, 1985.

Attest: City Comptroller and City Clerk.

(SEAL)

By Theresa Dunton Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 9, 1985.

(C-885-X)