

Ordinance No. 120978

Council Bill No. 114351

The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to regulatory business and professional license fees; increasing fees for operating a panoram location and devices; for owning, operating, or maintaining a public garage or parking lot; and for conducting adult entertainment activities; and amending Sections 6.42.030, 6.48.020 and 6.270.060, respectively, of the Seattle Municipal Code.

CF No. _____

| | | |
|--|--------------------------------------|---|
| Date Introduced: <u>10-14-02</u> | | |
| Date 1st Referred: <u>10-14-02</u> | To: (committee) <u>Budget</u> | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: <u>11-18-02</u> | Full Council Vote: <u>9-0</u> | |
| Date Presented to Mayor: <u>11-19-02</u> | Date Approved: <u>NOV 20 2002</u> | |
| Date Returned to City Clerk: <u>NOV 20 2002</u> | Date Published: <u>3 P</u> | T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/> |
| Date Voted by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

11-18-02 Budget

11-18-02 Pass

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

11-18-02 Budget committee: Pass As Amended E
D

11-18-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

D
City Clerk
Review

b
Electronic
Copy Loaded

Indexed

ORDINANCE 120978

AN ORDINANCE relating to regulatory business and professional license fees; increasing fees for operating a panoram location and devices; for owning, operating, or maintaining a public garage or parking lot; and for conducting adult entertainment activities; and amending Sections 6.42.030, 6.48.020 and 6.270.060, respectively, of the Seattle Municipal Code.

WHEREAS, the City of Seattle is authorized under RCW 35.22.280 to grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor; and

WHEREAS, the City of Seattle periodically reviews its license fees, among other reasons, to determine whether existing licenses appropriately reflect the regulated activities, whether fee revenues are covering the cost of providing the regulatory service, and whether those license fees designated as revenue producing fees are set appropriately; and

WHEREAS, on November 18, 1996 the City Council passed in Ordinance 118395, which last amended several license fees, including those for panoram locations and devices, owning, operating or maintaining a commercial parking garage or lot, and for conducting adult entertainment activities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2003, Seattle Municipal Code Section 6.42.030 is amended to read as follows:

SMC 6.42.030 License Fees.

The license year shall be from January 1st to December 31st. All license fees shall be payable on an annual basis. Fees shall be as follows:

A. Panoram location license (~~(Forty Dollars (\$40.00))~~) Eighty-five Dollars (\$85.00) per year for each location:

B. Panoram device license (~~(Forty Dollars (\$40.00))~~) Eighty-five Dollars (\$85.00) per year for each device.



1 Section 2. Effective January 1, 2003, Seattle Municipal Code Section 6.48.020 is
2 amended to read as follows:

3 **SMC 6.48.020 License Required--Fee.**

4 It is unlawful for any person to own, operate, or maintain a public garage or parking lot
5 without first having obtained a license to do so. The fee for such license is hereby fixed at the
6 rate of ~~((Forty five Dollars (\$45.00)))~~ Ninety Dollars (\$90) per year for each one thousand
7 (1,000) square feet of floor or ground space contained in such parking garage or parking lot and
8 used for parking or storage purposes.
9

10
11
12 Section 3. Effective January 1, 2003, Seattle Municipal Code Section 6.270.060 is
13 amended to read as follows:

14 **SMC 6.270.060 License Fees**

15 The license year for all fees required under this chapter shall be from January 1st to
16 December 31st. All license fees shall be payable on an annual basis, which fees shall be as
17 follows:
18

19 A. Adult entertainment premises license, Seven Hundred Twenty Dollars (\$720.00) per
20 year;

21 B. Adult entertainer's license, ~~((Seventy five Dollars (\$75.00)))~~ One Hundred Forty-five
22 Dollars (\$145.00) per year;

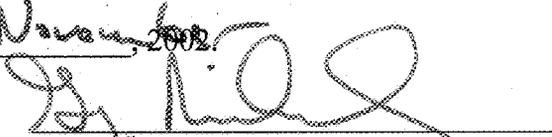
23
24 C. Adult entertainment manager's license, ~~((Seventy five Dollars (\$75.00)))~~ One
25 Hundred Forty-five Dollars (\$145.00) per year.
26
27
28

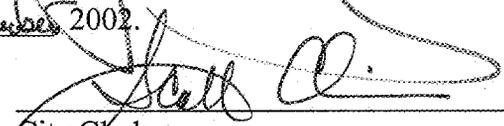
1 Section 4. The several provisions of this ordinance are declared to be separate and
2 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of
3 this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not
4 affect the validity of the remainder of this ordinance or the validity of its application to other
5 persons or circumstances.
6

7
8 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
9 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
10 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
11

12
13 Passed by the City Council the 18th day of November, 2002, and signed by me in open
14 session in authentication of its passage this 18th day of November, 2002.

15
16 
17 President _____ of the City Council

18 Approved by me this 25 day of November, 2002.
19 
20 Gregory J. Nickels, Mayor

21 Filed by me this 27th day of November, 2002.
22 
23 City Clerk

24 (Seal)
25
26
27
28



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 23, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance increases the license fees associated with adult entertainment, operating panorams, and owning or operating a public parking garage or lot. In this period of constrained general fund resources, City managers have sought to maintain needed services by reviewing fees and charges, considering those that can reasonably be raised to more fully recover the actual cost of providing the service and, when appropriate, ensuring the relevancy of the fee as a means to achieve a regulatory purpose. The City is authorized in State and City statutes to regulate and derive revenue from licensing the activities related to this legislation.

The license fees presented in this ordinance are administered, regulated and enforced by the Department of Executive Administration, the Seattle Police Department, and the Seattle Department of Transportation. Many of these increases will likely be passed on to the consumers of these regulated activities.

With regard to parking garage or lot owners and operators, to the extent the market for parking allows, they will pass on the increased costs to consumers. It is unclear whether one group of patrons (short-term retail, long-term commuters, etc.,) will ultimately bear a greater or lesser portion of the costs over another group.

Thank you for your consideration of this legislation. Should you have questions, please contact either Mel McDonald, (DEA) at 233-0071 or Dave Hennes (DOF) at 684-0537.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, faint circular stamp or watermark.

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



Fiscal Note

| | | |
|--|---|---|
| Department: Executive Administration | Contact Person/Phone: Mel McDonald 233-0071 | CBO Analyst/Phone: Dave Hennes 684-0537 |
|--|---|---|

Legislation Title: AN ORDINANCE relating to regulatory business and professional license fees; increasing fees for operating a panoram location and devices; for owning, operating, or maintaining a public garage or parking lot; and for conducting adult entertainment activities; and amending Sections 6.42.030, 6.48.020 and 6.270.060, respectively, of the Seattle Municipal Code.

Summary of the Legislation:

This legislation would raise five professional and business license fees as listed below.

- Increase Panoram Location license from \$40 to \$85
- Increase Panoram Device license from \$40 to \$85
- Increase Adult Entertainer license from \$75 to \$145
- Increase Adult Entertainment Manager license from \$75 to \$145.

Increase Commercial Parking License from \$45 per 1,000 square feet of ground or floor space per year to \$90 per \$1,000 square feet of ground or floor space per year.

Background (Include justification for the legislation and funding history, if applicable):

A panoram is any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a peepshow which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall.

S.M.C. 6.02.020 provides for the City to license for regulation and/or revenue. The proposed increases in the adult entertainment and panoram licenses are intended to generate sufficient revenue to cover the costs of carrying out the City's authorized regulatory authority over the adult entertainment industry. These costs include not only administrative costs but also enforcement costs. Increase to the City's commercial parking license is intended to both cover the costs of regulating the parking industry and, as it has historically, generate revenue for the City. These particular license fees were last increased in 1996, and in 1992 prior to that.



Public Private Partnership Review Status:

Is the project referenced in the legislation subject to P4 review? If yes, identify P4 review to date.

Not Applicable

Is the legislation subject to public hearing requirements? If yes, what public hearings have been held to date?

Not Applicable

Fiscal Sustainability Issues (related to grant awards):

Estimated Expenditure Impacts:

| FUND (List # and/or Account) | 2002 | 2003 | 2004 |
|------------------------------|------|------|------|
| 00100 | 0 | 0 | 0 |
| | | | |
| | | | |
| TOTAL | | | |

One-time \$ _____

On-going \$ _____

Estimated Revenue Impacts:

| FUND (List # and/or Account) | 2002 | 2003 | 2004 |
|-----------------------------------|----------|------------------|------------------|
| Panoram 00100 Acct # 421750 | 0 | \$5,985 | \$6,164 |
| Adult Ent. 00100 Acct # 421600 | 0 | \$47,250 | \$48,663 |
| Comm. Parking 00100 Acct # 421600 | 0 | \$589,005 | \$606,613 |
| TOTAL | 0 | \$642,240 | \$661,440 |

One-time \$ 0

On-going \$661,440 (all revenues are on-going)

Estimated FTE Impacts:

| FUND | 2000 | 2001 | 2002 |
|--------------|----------|----------|----------|
| | | | |
| | | | |
| | | | |
| TOTAL | 0 | 0 | 0 |

Full Time 0 # Part Time 0 # TES 0

Do positions sunset in the future? If yes, identify sunset date? Not Applicable

Other Issues (including long-term implications of the legislation):



1 **SMC 6.48.020 License Required--Fee.**

2 It is unlawful for any person to own, operate, or maintain a public garage or parking lot
3 without first having obtained a license to do so. The fee for such license is hereby fixed at the
4 rate of ~~((Forty five Dollars (\$45.00)))~~ Ninety Dollars (\$90) per year for each one thousand
5 (1,000) square feet of floor or ground space contained in such parking garage or parking lot and
6 used for parking or storage purposes.
7

8
9 Section 3. Seattle Municipal Code Section 6.270.060 is amended to read as follows:

10 **SMC 6.270.060 License Fees**

11 The license year for all fees required under this chapter shall be from January 1st to
12 December 31st. All license fees shall be payable on an annual basis, which fees shall be as
13 follows:
14

15 A. Adult entertainment premises license, Seven Hundred Twenty Dollars (\$720.00) per
16 year;

17 B. Adult entertainer's license, ~~((Seventy five Dollars (\$75.00)))~~ One Hundred Forty-five
18 Dollars (\$145.00) per year;

19 C. Adult entertainment manager's license, ~~((Seventy five Dollars (\$75.00)))~~ One
20 Hundred Forty-five Dollars (\$145.00) per year.
21
22
23
24
25
26
27
28

1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
4

5 Passed by the City Council the ____ day of _____, 2002, and signed by me in
6 open session in authentication of its passage this ____ day of _____, 2002.
7

8
9 _____
President _____ of the City Council

10 Approved by me this ____ day of _____, 2002.
11

12 _____
Gregory J. Nickels, Mayor

13 Filed by me this ____ day of _____, 2002.
14

15 _____
City Clerk
16

17 (Seal)
18
19
20
21
22
23
24
25
26
27
28

Fiscal Note Template

Each piece of legislation that is financial in nature requires a fiscal note. The fiscal note should be drafted by department staff and should identify operating, capital, revenue, and FTE impacts of the legislation. After preparation by departmental staff, the City Budget Office will review and make necessary revisions before transmittal to Council.

| | | |
|--|---|---|
| Department: Executive Administration | Contact Person/Phone: Mel McDonald 233-0071 | CBO Analyst/Phone: Dave Hennes 684-0537 |
|--|---|---|

Legislation Title: AN ORDINANCE relating to regulatory business and professional license fees; increasing fees for operating a panoram location and devices; for owning, operating, or maintaining a public garage or parking lot; and for conducting adult entertainment activities; and amending Sections 6.42.030, 6.48.020 and 6.270.060, respectively, of the Seattle Municipal Code.

Summary of the Legislation:

This legislation would raise five professional and business license fees as listed below.

- Increase Panoram Location license from \$40 to \$85
- Increase Panoram Device license from \$40 to \$85
- Increase Adult Entertainer license from \$75 to \$145
- Increase Adult Entertainment Manager from \$75 to \$145.

Increase Commercial Parking License from \$45 per 1,000 square feet of ground or floor space per year to \$90 per \$1,000 square feet of ground or floor space per year.

Background (Include justification for the legislation and funding history, if applicable):

A panoram is any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a peepshow which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall.

S.M.C. 6.02.020 provides for the City to license for regulation and/or revenue. The proposed increases in the adult entertainment and panoram licenses are intended to generate sufficient revenue to cover the costs of carrying out the City's authorized regulatory authority over the adult entertainment industry. These costs include not only administrative costs but also enforcement costs. Increase to the City's commercial



parking license is intended to both cover the costs of regulating the parking industry and, as it has historically, generate revenue for the City. These particular license fees were last increased in 1996 (see table above), and in 1992 prior to that.

Public Private Partnership Review Status:

Is the project referenced in the legislation subject to P4 review? If yes, identify P4 review to date.

Not Applicable

Is the legislation subject to public hearing requirements? If yes, what public hearings have been held to date?

Not Applicable

Fiscal Sustainability Issues (related to grant awards):

Estimated Expenditure Impacts:

| FUND (List # and/or Account) | 2002 | 2003 | 2004 |
|------------------------------|------|------|------|
| 00100 | 0 | 0 | 0 |
| | | | |
| TOTAL | | | |

One-time \$ _____ On-going \$ _____

Estimated Revenue Impacts:

| FUND (List # and/or Account) | 2002 | 2003 | 2004 |
|-----------------------------------|----------|----------------|----------------|
| Panoram 00100 Acct # 421750 | 0 | 3,400 | 3,500 |
| Adult Ent. 00100 Acct # 421600 | 0 | 56,000 | 57,700 |
| Comm. Parking 00100 Acct # 421600 | 0 | 580,000 | 597,400 |
| TOTAL | 0 | 639,400 | 658,600 |

One-time \$ 0 On-going \$658,600 (all revenues are on-going)

Estimated FTE Impacts:

| FUND | 2000 | 2001 | 2002 |
|--------------|----------|----------|----------|
| | | | |
| | | | |
| TOTAL | 0 | 0 | 0 |

Full Time 0 # Part Time 0 # TES 0

Do positions sunset in the future?If yes, identify sunset date? Not Applicable



Other Issues (including long-term implications of the legislation):



STATE OF WASHINGTON – KING COUNTY

--SS.

152197
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

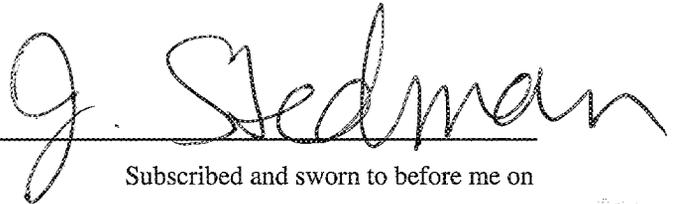
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

CT:ORDINANCE 120978

was published on

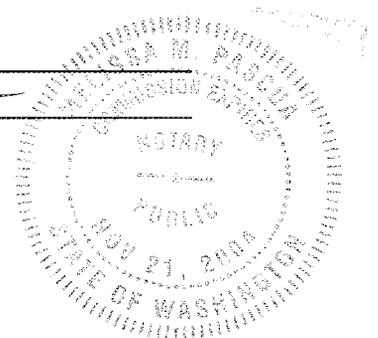
11/29/2002


Subscribed and sworn to before me on

12/2/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County
City of Seattle

ORDINANCE 120978

AN ORDINANCE relating to regulatory business and professional license fees; increasing fees for operating a panoram location and devices; for owning, operating, or maintaining a public garage or parking lot; and for conducting adult entertainment activities; and amending Section 6.42.030, 6.48.020 and 6.270.060, respectively, of the Seattle Municipal Code.

WHEREAS, the City of Seattle is authorized under RCW 35.22.280 to grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor; and

WHEREAS, the City of Seattle periodically reviews its license fees, among other reasons, to determine whether existing licenses appropriately reflect the regulated activities, whether fee revenues are covering the cost of providing the regulatory service, and whether those license fees designated as revenue producing fees are set appropriately; and

WHEREAS, on November 15, 1996 the City Council passed in Ordinances 118395, which last amended several license fees, including those for panoram locations and devices, owning, operating or maintaining a commercial parking garage or lot, and for conducting adult entertainment activities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2003, Seattle Municipal Code Section 6.42.030 is amended to read as follows:

SMC 6.42.030 License Fees.

The license year shall be from January 1st to December 31st. All license fees shall be payable on an annual basis. Fees shall be as follows:

A. Panoram location license

~~((Forty Dollars (\$40.00))) Eighty-five Dollars (\$85.00) per year for each location.~~

B. Panoram device license ~~((Forty Dollars (\$40.00))) Eighty-five Dollars (\$85.00) per year for each device.~~

Section 2. Effective January 1, 2003, Seattle Municipal Code Section 6.48.020 is amended to read as follows:

SMC 6.48.020 License Required—Fee.

It is unlawful for any person to own, operate, or maintain a public garage or parking lot without first having obtained a license to do so. The fee for such license is hereby fixed at the rate of ~~((Forty-five Dollars (\$45.00))) Ninety Dollars (\$90) per year for each one thousand (1,000) square feet of floor or ground space contained in such parking garage or parking lot and used for parking or storage purposes.~~

Section 3. Effective January 1, 2003, Seattle Municipal Code Section 6.270.060 is amended to read as follows:

SMC 6.270.060 License Fees

The license year for all fees required under this chapter shall be from January 1st to December 31st. All license fees shall be payable on an annual basis, which fees shall be as follows:

A. Adult entertainment premises license, Seven Hundred Twenty Dollars (\$720.00) per year;

B. Adult entertainer's license, ~~((Seventy-five Dollars (\$75.00))) One Hundred Forty-five Dollars (\$145.00) per year;~~

C. Adult entertainment manager's license, ~~((Seventy-five Dollars (\$75.00))) One Hundred Forty-five Dollars (\$145.00) per year.~~

Section 4. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence or provision shall not affect the validity of the remaining provisions.