Gregory J. Nickels
Mayor of Seattle

FILED
CITY OF SEATTLE
07 AUG 23 PM 1:46
CITY CLERK

August 22, 2007

The Honorable Nick Licata
Seattle City Council
CH-02-01

Dear Council President Licata:

I am returning Council Bills 115954 (relating to regulation of public nuisances) and 115955 (relating to nightclub safety plans) unsigned. While I appreciate the thorough review of my proposed Nightlife Ordinance undertaken by Councilmember Clark and members of the Economic Development and Neighborhoods (EDN) Committee, I remain fully convinced that a license is the only tool the City can use to get these clubs to take responsibility for violence stemming from their premises. Until I know that Council supports a license, I cannot endorse these secondary measures and give citizens of Seattle the false impression that these actions will help reduce violence.

Violence in and around nightclubs continues to be a problem, with incidents occurring every weekend. The legislation that I am returning unsigned, amending the nuisance laws and requiring security plans from clubs, will be ineffective in addressing these problems. First, City Attorney Carr has explicitly explained that the nuisance law is an ineffective, time consuming, and costly tool that has not proven to be a successful deterrent in preventing violence. It would compel the City to target clubs, which is contrary to the parallel goals of supporting a vibrant nightlife.

Second, I remain skeptical that seeking security plans without a license will be successful. For example, we have been working with one particular club to get them to write a security plan since a shooting and assaults occurred at their club in June. It is now two months later and despite Seattle Police Department's best efforts to work with the club, it has still not written a security plan and has made no progress toward addressing our public safety concerns. We now must wait until the renewal of their liquor license in December to take additional steps.

I'm pleased that some Councilmembers are willing to further consider a license and look forward to working with you as the Council considers this later in

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September. I remain committed to supporting a vibrant, successful and safe nightlife in Seattle and hope that Council will join me in creating a licensing system that helps the city guide the few troubled clubs towards better business practices and gives us the opportunity to address violence before it becomes systemic.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Legislative Department
Office of City Clerk
Memorandum

Date: August 23, 2007

To: Councilmembers

From: Laurel Humphrey for Judith E. Pippin, City Clerk

Subject: Mayor's Return of Council Bills, **Unsigned**
(CB 115954- Re public nuisances;
CB 115955 - Re nightclub safety; and
CB 115976 - Re lifting a budget proviso in the Planning Budget Control Level)

On August 23, 2007 Mayor Nickels returned the above-listed three Council Bills to this office without his signature of approval. Each of these CBs was passed by Council on August 13, 2007.

On the reverse is a letter of explanation regarding the Mayor's decision not to sign Council Bill Nos. 115954 and 115955. He did not provide a letter of explanation for Council Bill No. 115976.

The absence of the Mayor's signature indicates neither his approval nor disapproval of the Council Bill, as addressed in Seattle Municipal Code 1.04.020 and City Charter Article IV, Section 12.

A Bill returned by the Mayor unsigned is considered "approved" for purposes of the Bill becoming an Ordinance, and therefore law, within the City of Seattle. No further action on the part of Council is required.

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@ci.seattle.wa.us
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KF/MF
8/9/2007
CB 115955 As Amended 8.2.2007
(Ver. 4)

ORDINANCE 122474

AN ORDINANCE relating to nightclub safety; adding a new chapter to Title 10 of the Seattle Municipal Code relating to nightclub safety plans.

WHEREAS, Seattle has a vibrant and active nightlife culture that contributes to the economic and cultural vitality of the City; and

WHEREAS, public safety issues associated with large nightlife establishments threaten the livability of urban centers and other urbanizing areas; and

WHEREAS, violent incidents associated with large nightlife establishments have required the use of considerable police and fire resources; and

WHEREAS, modest safety planning by large establishments can prevent and ameliorate violent incidents;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1: A new chapter, Chapter 10.11, to be entitled "Nightclub Safety Code", is added to the Seattle Municipal Code as follows:

10.11.010 Definitions.

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

B. "Liquor" has the same meaning as in Chapter 66.04 of the Revised Code of Washington.

C. "Nightclub" means any business open to the public in which:

CITY CLERK

1. Liquor is served between the hours of 10:00 p.m. and 6:00 a.m., except where service of liquor is incidental to an event that is not open to the public; and

2. has a maximum occupancy capacity of two hundred (200) or more people.

D. "Nightclub operator" means any individual, sole proprietorship, partnership, corporation, association, or other public or private organization of any character with responsibility for operation of a nightclub.

E. "Written Safety Plan" means a written document produced by a nightclub operator that includes at minimum the following information about the nightclub:

1. The number and location of all security personnel;

2. The nightclub's identification checking and patron search procedures;

3. Procedures for ensuring that only persons twenty one (21) years or older are served alcohol;

4. The nightclub's procedures for handling violent incidents, other emergencies, and calling the Seattle Police Department;

5. A description of the training provided or completed by security and other personnel, including conflict de-escalation training;

6. The nightclub's procedures for crowd control and preventing overcrowding; and

CITY CLERK

7. Current contact information for the person or position responsible for addressing safety, security, or City Code related complaints by patrons or neighborhood residents.

10.11.015 Written safety plan required.

A. Every nightclub operator shall prepare a written safety plan.

B. Nightclub operators shall file their written safety plans with the Director, who shall distribute them to the Chief of Police and the Nightlife Advisory Board. For existing nightclubs, safety plans shall be filed within forty five (45) days of the effective date of this ordinance. New nightclubs shall file safety plans no later than the date they open to the public.

C. Nightclubs subject to this ordinance shall have an updated copy of their safety plan reviewed by personnel employed by the nightclub. The safety plan shall be made available upon request by City nightlife enforcement staff, patrons or neighborhood residents.

D. Nightclub operators shall file an updated written safety plan annually with the Director. If there have been no material changes to a nightclub's programming, operation, ownership, or size, the updated written safety plan may take the form of a letter from the nightclub operator to the Director certifying that there have been no material such changes.

10.11.020 Violation – Civil penalties.

Any nightclub operator who fails to comply with any of the requirements of Section 10.11.015 shall be subject to a Class 1civil infraction as contemplated by RCW Chapter 7.80 and under RCW 7.80.120(2) to a maximum monetary penalty and a default amount of Two Hundred

DIS CITY CLERK

Fifty Dollars ($250.00) plus statutory assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate.

10.11.025 Severability.

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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

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

President _____ of the City Council

Approved by me this ____ day of _____, 2007.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of August, 2007.

City Clerk

(Seal)

CITY CLERK

Form revised December 4, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Freeman / 48178	N/A

AN ORDINANCE relating to nightclub safety; adding a new chapter to Title 10 of the Seattle Municipal Code relating to nightclub safety plans.

- **Summary of the Legislation:**

This legislation adds a new chapter to Title 10 of the Seattle Municipal Code, Health and Safety. The legislation establishes a requirement that nightclubs, defined as places that serve liquor after 10:00 p.m. and have an occupancy greater than or equal to 200 patrons must prepare a Safety Plan and file that plan with the Department of Executive Administration.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

This legislation was developed by Council in response to Economic Development and Neighborhood Committee review of a nightlife regulatory license, Council Bill 115830, proposed by the Executive.

- *Please check one of the following:*

__X__ **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

KF/MF
7/18/07
Safety Plan Ord. v.2.doc
(Ver. 2)

ORDINANCE 115955

AN ORDINANCE relating to nightclub safety; adding a new chapter to Title 10 of the Seattle Municipal Code relating to nightclub safety plans.

WHEREAS, Seattle has a vibrant and active nightlife culture that contributes to the economic and cultural vitality of the City; and

WHEREAS, public safety issues associated with large nightlife establishments threaten the livability of urban centers and other urbanizing areas; and

WHEREAS, violent incidents associated with large nightlife establishments have required the use of considerable police and fire resources; and

WHEREAS, modest safety planning by large establishments can prevent and ameliorate violent incidents;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1: A new chapter, Chapter 10.11, to be entitled "Nightclub Safety Code", is added to the Seattle Municipal Code as follows:

10.11.010 Definitions.

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

B. "Liquor" has the same meaning as in Chapter 66.04 of the Revised Code of Washington.

C. "Nightclub" means any business open to the public in which:

1. Liquor is served between the hours of 10:00 p.m. and 6:00 a.m.; and

2. has a maximum occupancy capacity of two hundred (200) or more people.

D. "Nightclub operator" means any individual, sole proprietorship, partnership, corporation, association, or other public or private organization of any character with responsibility for operation of a nightclub.

E. "Written Safety Plan" means a written document produced by a nightclub operator that includes the following information about the nightclub:

1. The number and location of all security personnel;

2. The nightclub's identification checking and patron search procedures;

3. Procedures for ensuring that only persons twenty one (21) years or older are served alcohol;

4. The nightclub's procedures for handling violent incidents, other emergencies, and calling the Seattle Police Department;

5. A description of the training provided or completed by security and other personnel, including conflict de-escalation training; and

6. The nightclub's procedures for crowd control and preventing overcrowding.

10.11.015 Written safety plan required.

A. Every nightclub operator shall prepare a written safety plan.

B. Nightclub operators shall file their written safety plans with the Director, who shall distribute them to the Chief of Police and the Nightlife Advisory Board. For existing nightclubs, safety plans shall be filed within forty five (45) days of the effective date of this ordinance. New nightclubs shall file safety plans no later than the date they open to the public.

C. Nightclubs subject to this ordinance shall have an updated copy of their safety plan reviewed by personnel employed by the nightclub and the safety plan shall be made available upon request by City nightlife enforcement staff.

D. Nightclub operators shall file an updated written safety plan annually with the Director. If there have been no material changes to a nightclub's programming, operation, ownership, or size, the updated written safety plan may take the form of a letter from the nightclub operator to the Director certifying that there have been no material such changes.

10.11.020 Violation – Civil penalties.

Any nightclub operator who fails to comply with any of the requirements of Section 10.11.015 shall be subject to a Class 1civil infraction as contemplated by RCW Chapter 7.80 and under RCW 7.80.120(2) to a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars ($250.00) plus statutory assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate.

10.11.025 Severability.

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or the

application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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

_____
President _____of the City Council

Approved by me this ____ day of _____, 2007.

_____
Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2007.

_____
City Clerk

(Seal)

STATE OF WASHINGTON – KING COUNTY

--ss.

214903 No.
CITY OF SEATTLE,CLERKS OFFICE

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:122474 ORDINANCE

was published on

08/27/07

The amount of the fee charged for the foregoing publication is the sum of $ 209.25, which amount has been paid in full.

Subscribed and sworn to before me on

08/27/07

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

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Nick Licata

President of the City Council

Approved by me this 23rd day of August, 2007.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of August, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, August 27, 2007.

8/27(214903)