

Ordinance No. 113302

Council Bill No. 113302

AN ORDINANCE relating to certain dances and dance venues; adding a new chapter to the Seattle Municipal Code to regulate such dances and dance venues; providing penalties for violations; establishing a music and youth commission; and repealing Chapter 6.294 of the Seattle Municipal Code.

CF No. _____

Date Introduced:	JUL 17 2000	
Date 1st Referred:	To: (committee)	CULTURE, ARTS & PARKS <i>and</i>
	JUL 17 2000	Neighborhoods, Sustainability &
Date Re - Referred:	To: (committee)	Community Development Committee
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <i>7-1 (Absent - Pageler)</i>	
	<i>8/21/00</i>	
Date Presented to Mayor:	Date Approved: <i>Excused</i>	
	<i>8/23/00</i>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
	<i>8/23/00</i>	
Date Vetoed by Mayor:	Date Veto Published:	
	<i>8/23/00</i>	
Date Passed Over Veto:	Veto Sustained:	
	<i>9-18-00</i>	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: LICATA Councilmember GONLIN

Committee Action:

7/20/00 passed unanimously as amended ^{mc 8/22/00} 3-D

*Conlin yes
Licata yes
Nicastro yes*

*8/18/00 passed unanimously as amended 4-0
Nicastro yes Conlin yes
Steinbreck yes Licata yes*

This file is complete and ready for presentation to Full Council. Committee: RC 7/20/00
(initial/date)

*8/21/00 passed @ FC as amended
7-1 Drago (MP Excused)*

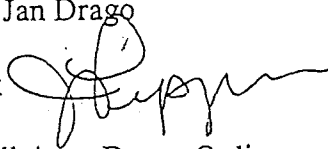
9-18-00 Veto Sustained
- motion to pass CB 113302 over Mayor's Veto:
Y: Conlin, Licata, Nicastro, Steinbreck, Willis
N: Compton, Drago, McIver - 3
Excused: Pageler - 1
Vote to override Veto requires 6 Votes

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

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 CITY CLERK
 AUG 23 PM 4:08
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 AUG 23 PM 4:08



Legislative Department
Office of City Clerk
Memorandum

Date: September 4, 2000
To: Council President Pro Tem Jan Drago
From: Judith E. Pippin, City Clerk 
Subject: Reconsideration Vote for All Ages Dance Ordinance

The AADO, Council Bill 113302, passed by City Council on August 21, 2000, was vetoed by the Mayor on August 23, and returned to the City Clerk that day.

The City Charter requires that Council vote again on the passage of the Bill before 30 days from the date it was returned by the Mayor. The 30th day from the date of the Mayor's return will be Friday, September 22; therefore, Council must take its reconsideration vote at or before the regular Full Council meeting of Monday, September 18. *(Of course there is always the option for a Special Meeting if the vote does not occur at the regular meeting of September 18. A Special Meeting could occur any day up through Friday the 22nd.)*

A two-thirds vote⁽⁶⁾ of all the members of Council ~~(6)~~ is required to pass the Bill in reconsideration.

The Bill requires no new introduction, just placement on the Full Council agenda.

If the Bill does not pass in its reconsideration vote, it "shall be deemed finally lost." *(Charter)*

I hope this information is useful. Please do not hesitate to call me if you have questions.



City of Seattle

Paul Schell, Mayor
Office of the Mayor

August 23, 2000

FILED
CITY OF SEATTLE
00 AUG 23 PM 4:08
CITY CLERK



The Honorable Heidi Wills, Acting Council President
Seattle City Councilmembers
Seattle City Council
M/S 01-11-01

CF304087

Dear Councilmember Wills and Councilmembers:

I hereby veto the All-Ages Dance Ordinance (Council Bill 113302) passed by the Council on Monday, August 21, 2000. A copy of the ordinance, signifying my disapproval, is attached to this letter. My reasons for the veto and my objections to Council Bill 113302 are these:

First, I support changes in the existing Teen Dance Ordinance to expand entertainment opportunities for kids, and I have encouraged the establishment of a Task Force to recommend improvements to the existing Ordinance. However, for the same reasons I stated in my August 17 letter to Councilmembers Richard Conlin and Nick Licata (a copy is attached to this letter), I am convinced that the ordinance passed Monday goes too far in allowing unsupervised children who are younger than 15 into dance clubs. I cannot accept an ordinance that would permit a 12- or 13-year-old unsupervised entry into a nightclub.

Second, I continue to believe that sworn law-enforcement officers should be included in the security teams for teen dances.

And finally, I believe that promoters of teen dances must have the kinds of insurance we would normally require of special event and concert promoters.

I believe that by making these and other changes, and by working with music industry groups, together we can craft an ordinance that gives young people more entertainment opportunities and continues to stimulate Seattle's justifiably nationally-renowned music scene.

I appreciate the work done by several of you — particularly Councilmember Richard Conlin and the Music and Youth Task Force — develop the All-Ages ordinance. This work and discussions with the music industry should continue to form a basis for our deliberations, but we cannot disregard the advice of parents who have called and written to our offices and to the newspapers. Among other ideas, they've offered two common-sense suggestions that I agree with and that I believe can be written into a revised ordinance without difficulty. They are:



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Councilmember Wills and Councilmembers

August 23, 2000

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- Children under 15 should not be admitted to "all-ages" dance clubs unless accompanied by a parent or legal guardian (a point I emphasized in my letter to you last week).
- Younger teenagers should be required to leave dance clubs at 2 a.m. (not a requirement of Monday's ordinance), because kids should not stay out all night.

These are good, sensible measures that we should include in a revised ordinance. In making revisions to your ordinance of Monday, I believe that we should have frank discussions with the Music and Youth Task Force about the Washington State Liquor Board's recent liberalization of regulations involving nightclubs and other venues offering entertainment. With regard to such licensees, WSLCB is currently playing a much less restrictive regulatory role than in the past. We need to fully understand what the implications are. For example, under some conditions, WSLCB now permits mixing of youths and adults of drinking age in nightclubs until 10:30 p.m., and requires only nominal separation of youngsters from the drinking area thereafter.

Let me summarize some of the changes I think we need to make a new teenage dance ordinance work. It should include:

- A minimum age of 15 unless accompanied by a parent or legal guardian.
- An ending time of 2 a.m., when kids under 18 would have to leave a teen dance club.
- Presence of an adequate number of sworn police officers on any club's security team. (Private security officers do not have the authority to enforce state and local laws. Only sworn law enforcement personnel have that authority. Furthermore, though private security personnel can play an effective role in maintaining order, they have an obvious conflict of interest. They also want to keep their employer's club open and might look the other way at alcohol and drug-law violations.)
- A requirement that private security personnel at teen dance venues be licensed and insured according to state regulations. I am not willing to allow security to be provided by self-selected and self-trained private operators.
- An insurance requirement in addition to an indemnity clause to protect the City. (Indemnity without insurance or other significant other assets – which a promoter would want to protect with insurance, anyway – is meaningless. I understand that some Councilmembers felt this requirement duplicated insurance that would be obtained during the normal course of business for such operations. If so, then the solution is to spell out in the new ordinance exactly what insurance satisfies our intent here.)
- A requirement that the onsite manager of a teen dance club or event, along with the owner or promoter, passes a criminal background check.
- Continuation of the current Teen Dance Ordinance requirement that there be a readmission charge for people who leave and wish to return – this parallels high school event policies that allow no passes out in order to minimize off-site underage drinking.

Councilmember Wills and Councilmembers

August 23, 2000

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- Continuation of the current exemption from the Teen Dance Ordinance for activities sponsored the City, schools, and recognized non-profit organizations. This exemption is justified because security for such events as Bumbershoot and high school dances is already extensive.
- And finally, we should continue the current policy that entirely exempts dances from these regulations only if they have 150 or fewer patrons. By raising that limit to 250 patrons as does the All-Ages Ordinance passed Monday, a significant number of effectively unregulated teen night clubs could be created.

Attached is a draft of a youth dance ordinance that includes most of the suggestions I've made here.

Thank you for working with me to make the teenage dance ordinance a much better piece of legislation that opens up entertainment opportunities for kids at the same time.

Very truly yours,



Paul Schell

cc: Music and Youth Task Force Members
Mark Sidran, City Attorney
Chief Gil Kerlikowske, Seattle Police Department

ORDINANCE _____

FILED
CITY OF SEATTLE
00 AUG 23 PM 4:08

CITY CLERK

AN ORDINANCE relating to certain dances and dance venues; adding a new Chapter to the Seattle Municipal Code to regulate such dances and dance venues; providing penalties for violations; establishing a music and youth commission; and repealing Chapter 6.294 of the Seattle Municipal Code.

WHEREAS, Young persons under the age of 18 should have access to the arts, including dances, and should be able to participate in the cultural life of the City; and

WHEREAS, The problems associated with unregulated dances and dance venues that permit attendance by young persons under the age of 18, including but not limited to drug and alcohol use and abuse of children, are a matter of City concern; and

WHEREAS, Dances and dance venues that permit attendance by young persons under the age of 18 should provide a safe and secure environment for these young patrons; and

WHEREAS, It is appropriate that dances that permit attendance by young persons under the age of 18, and the persons who operate such dances, meet certain requirements and qualifications to ensure a safe and secure environment for these young patrons; and

WHEREAS, To provide a safe and secure environment for young dance patrons and to prevent their victimization, it is important that persons who operate dances be free from recent convictions for crimes that specifically relate to their qualifications to operate such dances, including serious crimes against persons, certain sexual offenses, certain drug offenses, and certain crimes in which a minor was the victim; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 6.294 of the Seattle Municipal Code is hereby repealed.

Section 2. A new Chapter is added to the Seattle Municipal Code to read as follows:

Chapter 6.295

ALL AGES YOUTH DANCES AND DANCE VENUES

I. GENERAL PROVISIONS

1 **6.295.010 Purpose.** This Chapter is an exercise of police power for the protection of the health, safety
2 and welfare of the general public, including those who attend ~~All-Ages~~Youth Dances, and is not intended to
3 create, establish or designate any particular class or group of persons who will be especially protected or
4 benefited by its terms.

5 **6.295.020 Construction of Chapter.** The provisions of this Chapter shall be construed liberally to
6 accomplish its purposes. Nothing in this Chapter modifies, repeals or supersedes any provision of another
7 ordinance, rule or requirement that may relate to ~~All-Ages~~Youth Dances or ~~All-Ages~~Youth Dance Venues,
8 including but not limited to building, land-use, planning, health and fire codes codes and the noise-control
9 ordinance.

10 **6.295.030 Chapter Subject to New License Code – Conflict.** This Chapter is subject to the general
11 provisions of the New License Code, Seattle Municipal Code Chapter 6.202, as those provisions now exist
12 or may hereafter be modified. However, if there is a conflict between this Chapter and Chapter 6.202, this
13 Chapter shall govern.

14 **6.295.040 Definitions.** For purposes of this Chapter, the following definitions shall apply:

15 A. “~~All-Ages~~Youth Dance” means any public dance: ~~(1)~~ which persons under age eighteen
16 (18) years are allowed or permitted to attend, ~~or (2) at which each patron is not required to show valid~~
17 ~~picture identification, showing that patron’s date of birth, as a condition of entry.~~

18 B. “~~All-Ages~~Youth Dance Venue” means any place or premises where an ~~All-Ages~~Youth
19 Dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining
20 areas on the premises accessible to the public during the dance.

21 C. A “concert” is any event at which live music is played or sung, and at which the primary
22 purpose of the person conducting or operating the event is for patrons to view a musical performance.

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1 D. A "dance" is any event at which the primary purpose of the person conducting or operating
2 the event is for patrons to dance as that term is commonly defined. However, a "dance" shall not be defined
3 to include an event that is a "concert" as that term is defined by this Chapter.

4 E. "Department" means the Executive Services Department of the City of Seattle.

5 F. "Director" means the Executive Services Director of the City of Seattle, or his or her
6 designated representative.

7 G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section
8 12A.04.030 B.

9 H. "On-site manager" is the person present at an ~~All-Ages~~Youth Dance or ~~All-Ages~~Youth
10 Dance Venue who is responsible for the direct operation and oversight of the dance or venue and
11 supervision of other employees or workers.

12 I. "Person" includes any natural person and, in addition, a company, corporation, partnership,
13 governmental entity, non-profit group or unincorporated association.

14 J. "Public dance" means any dance that is readily accessible to the public.

15 **6.295.050 ~~All-Ages~~Youth Dance License Required.**

16 A. No person shall conduct or operate an ~~All-Ages~~Youth Dance unless the person who is
17 conducting or operating such dance has obtained a license in accordance with this Chapter. If a fair, festival
18 or other such event includes one or more separate ~~All-Ages~~Youth Dances, then only one license shall be
19 required pursuant to this Chapter; provided, however, that each such ~~All-Ages~~Youth Dance or ~~All-~~
20 ~~Ages~~Youth Dance Venue must otherwise separately comply with the requirements of this Chapter.

21 B. The requirements of this Chapter shall not apply if the ~~All-Ages~~Youth Dance admits one
22 hundred fifty (150) or fewer than two hundred fifty (250) patrons.

1 C. The requirements of this Chapter shall not apply if the ~~All-Ages~~Youth Dance is sponsored
2 conducted or operated by:

3 1. An accredited educational institution; or

4 2. A non-profit tax exempt organization, corporation or association recognized by the
5 United States of America as exempt from federal income taxation pursuant to Section 501(c)(1) or
6 (3) of the Internal Revenue Code of 1954, as now existing or hereafter amended; or

7 3. The City of Seattle.

8
9 **6.295.060 License – Duration.** Each license issued by the Director under this Chapter shall be valid for
10 one (1) year.

11 **6.295.070 Fees.** The fee for a license issued pursuant to this Chapter shall be one hundred twenty dollars
12 (\$120). This fee is, as to those persons for whom a licensing fee was required pursuant to former Chapter
13 6.294 of the Seattle Municipal Code, a continuation of the fee required under such former chapter and not a
14 new fee.

15 **6.295.080 Authority of Director.** The Director is authorized to:

16 A. Make rules for the interpretation and implementation of this Chapter pursuant to the
17 Administrative Code; and

18 B. Grant, deny, suspend or revoke licenses according to the terms of this Chapter; and

19 C. Collect fees according to the terms of this Chapter.

20
21 **II. LICENSING REQUIREMENTS AND PROCESS**

22
23 **6.295.090 License Application.** The person desiring to conduct or operate an ~~All-Ages~~Youth Dance shall
24 be responsible for obtaining a license. The applicant shall complete a license application, which shall
25 include the following:

1 A. The name (including any aliases or former names), address, day and evening telephone
2 numbers and date of birth of the applicant. If the applicant is not a natural person, then this information shall
3 be provided for both the applicant (excepting date of birth) and for the natural person making the
4 application on behalf of the applicant. If the applicant is not a natural person, the applicant also shall
5 provide the names (including any aliases or former names), addresses, day and evening telephone numbers
6 and dates of birth of the limited partners, partners, owners, and principals of the applicant.

7 B. The name (including any aliases or former names), address, day and evening telephone
8 numbers and date of birth of any On-Site Manager the applicant will employ or utilize at any Youth Dance
9 Venue during the licensing period.

10 CB. A statement of indemnification and proof of insurance consistent with Municipal Code
11 Section 6.295.150.

12 DC. A statement from the applicant that any premises on which the applicant will conduct or
13 operate any All-Ages Youth Dance will comply with all laws and other legal requirements, including but not
14 limited to building, land-use, health, planning, health and fire codes and the noise-control ordinance; and a
15 statement that the applicant and any employee or agent thereof will, in the conduct of any All-Ages Youth
16 Dance, comply with all laws and other legal requirements, including but not limited to the building, land-
17 use, health, planning, health and fire codes and the noise-control ordinance .

18 ED. A statement that neither the applicant, nor the natural person making the application on
19 behalf of an applicant that is not a natural person, nor any limited partner, partner, owner or principal of an
20 applicant that is not a natural person, nor any On-Site Manager the applicant will employ or utilize at any
21 Youth Dance Venue during the licensing period: (1) is currently the subject of a license suspension or
22 revocation pursuant to Seattle Municipal Code Section 6.295.160; or (2) has at any time been determined to
23 be a sexually-violent predator pursuant to RCW Ch. 71.09 or equivalent statute; or (3) has been convicted

1 within the ten (10) years preceding the filing of the license application of any crime listed in Subsection C
2 of Seattle Municipal Code Section 6.295.100; or (4) has been convicted within the five (5) years preceding
3 the filing of the license application of any crime listed in Subsection D of Seattle Municipal Code Section
4 6.295.100.

5 ~~F.F.~~ Such other information as the Director requires by rule adopted pursuant to the
6 Administrative Code for the health, safety and welfare of the patrons of ~~All-Ages~~Youth Dances and ~~All-~~
7 AgesYouth Dance Venues and the general public.

8 ~~G.F.~~ A certification or declaration under penalty of perjury under the laws of the State of
9 Washington that the information and statements in the application are true and correct.

10
11 **6.295.100 Approval or Denial of License Application – Grounds.** Upon the filing of a
12 complete application, including but not limited to compliance with Seattle Municipal Code 6.295.150,
13 ~~¶~~the Director shall grant a license unless the license applicant, or the natural person making the application
14 on behalf of an applicant that is not a natural person, or any limited partner, partner, owner or principal of
15 an applicant that is not a natural person, or any On-Site Manager listed in the application pursuant to
16 Subsection B of Seattle Municipal Code 6.295.090;:

17 A. Is currently the subject of a license suspension or revocation pursuant to Seattle
18 Municipal Code Section 6.295.160; or

19 B. Has, at any time, been determined to be a sexually-violent predator pursuant to
20 RCW Ch. 71.09 or equivalent statute; or

21 C. Has been convicted within the ten (10) years preceding the filing of such application
22 of:

23 1. Any sexual crime involving a minor or child as a victim, including but not
24 limited to: such crimes charged under RCW Ch. 9.68A (sexual exploitation of children), or RCW Ch.

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1 9A.44 (sex offenses), or felony crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution),
2 or such crimes included within RCW 9.94A.030(37) (sex offenses), or such crimes included within RCW
3 43.43.830(5) (crimes against children or other persons), or a crime for which a finding of sexual motivation
4 has been made pursuant to RCW 9.94A.127, or extortion for sexual favors pursuant to RCW 9A.56.110; or

5 2. An attempt or conspiracy to commit any crime as set forth in this Subsection
6 C, or of aiding and abetting such crime; or

7 D. Has, under circumstances not requiring license denial pursuant to the preceding
8 Subsections B and C, been convicted within the five (5) years preceding the filing of such application of:

9 1. Any felony crime involving the unlawful manufacture, sale, delivery,
10 dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a
11 drug, legend drug, or controlled substance, including but not limited to those crimes charged under RCW
12 Ch. 69.41 (legend drugs), RCW Ch. 69.43 (precursor drugs) and RCW Ch. 69.50 (Uniform Controlled
13 Substances Act); or

14 2. Any felony crime of violence as defined by RCW 9.41.010(11), a most
15 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
16 a felony with a deadly weapon finding or verdict under RCW 9.94A.125; or

17 3. Any sexual offense, including but not limited to: a sex offense as defined by
18 RCW 9.94A.030(37) or RCW Ch. 9A.44, a crime for which a finding of sexual motivation has been made
19 under RCW 9.94A.127, extortion to obtain sexual favors pursuant to RCW 9A.56.110, or sexual offenses
20 included within RCW 43.43.830(5) (crimes against children or other persons), or felony crimes charged
21 under RCW Ch. 9A.88 (indecent exposure and prostitution); or

22 4 An attempt or conspiracy to commit any crime as set forth in this Subsection
23 D, or of aiding and abetting such crime.

1 **6.295.110 Approval or Denial of License Application – Time Frame.** The Director normally shall
2 approve or deny a license within ten (10) business days of the filing of a complete application under
3 Municipal Code Sections 6.202.130 and 6.295.090; provided, however, that the Director may take
4 reasonable additional time for approval or denial when necessary to conduct a criminal-history
5 investigation.

6 **6.295.120 License – Limited to Licensee.** Any license issued under this Chapter shall apply to a single
7 licensee, and- shall not be transferable to other persons or licensees. The licensee may use such license at
8 any ~~All-Ages~~Youth Dance Venue or Venues; provided, however, that such ~~use shall~~use shall not excuse the
9 licensee or venue from compliance with any ordinance, rule or requirement that may relate to such licensee
10 or venue, including but not limited to building, land-use, planning, health and fire codes and the noise-
11 control ordinance; and provided further that such use shall not result in an extension of the duration of such
12 license.

13 **6.295.130 Security Personnel.**

14 A. It shall be the obligation of every person licensed under this Chapter to insure that an
15 adequate number of qualified security personnel are employed and in attendance at an ~~All-Ages~~Youth
16 Dance Venue during and following each ~~All-Ages~~Youth Dance, in order to maintain order and ensure
17 compliance with the law. ~~Specifically~~An “adequate number of qualified security personnel” shall include at
18 least two (2) qualified security persons at each Youth Dance or Youth Dance Venue, plus at least one (1)
19 additional qualified security person for every one hundred (100) patrons admitted to the Youth Dance or
20 Youth Dance Venue, in addition to the first one hundred fifty (150) patrons so admitted.

21 B. At least two (2) security persons at each Youth Dance or Youth Dance Venue shall be sworn
22 law-enforcement personnel, licensed by the Washington State Criminal Justice Training Commission. Such
23 sworn law-enforcement personnel shall be off duty and compensated by the licensee. One such sworn law-

1 enforcement person shall patrol the sidewalks and other public areas abutting the Youth Dance Venue
2 during and following each Youth Dance. Those security personnel who are not sworn law-enforcement
3 personnel must be licensed and insured pursuant to RCW Ch. 18.170 and WAC Ch. 308—18, and further
4 must have received formal training in crowd control by an agency not associated with the licensee, such
5 person must provide two (2) persons who have received formal training in crowd control and event
6 management, plus one (1) additional person so trained for every one hundred (100) patrons admitted to the
7 All Ages Dance or All Ages Dance Venue in addition to the first two hundred fifty (250) patrons so
8 admitted.

9 **6.295.135 Access—Peace Officers—Director.**

10 All peace officers of the City of Seattle and/or the Director shall have free access to All Ages Youth Dance
11 Venues when an All Ages Youth Dance is being conducted or operated for the purpose of inspection and to
12 enforce compliance with the provisions of this Chapter.

13 **6.295.140 On-Site Manager.**

14 It shall be the obligation of every person licensed under this Chapter to insure that at least one on-
15 site manager is employed and in attendance at an All Ages Youth Dance Venue during and following each
16 All Ages Youth Dance, to be responsible for the direct operation and oversight of the dance and venue and
17 supervision of other employees or workers.

18 **6.295.142 Age restrictions – Identification requirements – Penalties**

19 A. No person conducting or operating a Youth Dance shall permit, either by act or omission,
20 any person under the age of fifteen (15) years to enter or remain on the premises unless that person is
21 accompanied by his or her parent or legal guardian.

22 B. The person conducting or operating a Youth Dance shall require identification showing the
23 age of each person admitted or seeking to be admitted to such dance.

1 C. Any person who shall by affirmative misrepresentation of age obtain admission to or
2 permission to remain in any Youth Dance in violation of this Chapter shall be guilty of a misdemeanor, and
3 may be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to
4 exceed ninety (90) days, or by both such fine and imprisonment.

5 D. Any person who knowingly or recklessly shall permit a person to enter or remain at any
6 Youth Dance in violation of this Section 6.295.142 shall be guilty of a misdemeanor, and may be punished
7 by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to exceed ninety
8 (90) days, or by both such fine and imprisonment.

9
10 **6.295.144 Hours of operation.** No Youth Dance shall be operated or conducted between the hours of two
11 (2) a.m. and eight (8) a.m. It shall be the responsibility of the licensee to remove persons under eighteen
12 (18) years of age from any Public Dance no later than two (2) a.m. if such dance is to continue past such
13 hour.

14 **6.295.148 Readmission fee.** No person conducting or operating a Youth Dance shall permit any person,
15 other than an employee or other worker, to leave such dance and return unless that person pays a
16 readmission fee equal to, or greater than, one-half (1/2) the original price of admission.

17 **6.295.150 Indemnification.**

18 A. The licensee shall indemnify and hold the City harmless from any and all losses, claims,
19 actions or damages suffered by any person or persons by reason of or resulting from any negligence of the
20 licensee or its agents, employees, or patrons or on account of any act or omission of the licensee in its
21 exercise of its license or use or occupancy of any premises in connection with such license. In the event any
22 suit or action is brought against the City, the licensee shall, upon notice of the commencement thereof,
23 defend the same, at no cost and expense to the City, and promptly satisfy any final judgment adverse to the

1 City or to the City and the licensee jointly; provided, that in the event the City determines that one (1) or
2 more principles of governmental or public law are involved, the City retains the right to participate in such
3 action. The above liability shall not be diminished by the fact, if it be a fact, that any such death, injury,
4 damage, loss, cost or expense may have been, or may be alleged to have been, contributed to by the
5 negligence of the City or its officers, employees or agents; provided, however, that nothing contained in this
6 section shall be construed as requiring the licensee to indemnify the City against liability for damages
7 arising out of bodily injury to persons or damage to property caused by or resulting from the sole
8 negligence of the City, or its officers, employees or agents.

9 B. As a condition precedent to obtaining a license, the licensee shall, at no expense to the City,
10 secure and maintain during the full term of the license, general comprehensive liability insurance issued by
11 one (1) or more companies authorized to do business in the State of Washington, which insurance shall be
12 subject to the approval of the City Risk Manager as to company, form and coverage, and which insurance
13 must fully protect the City from any and all claims and risks in connection with any activity under the
14 license or use or occupancy of any Youth Dance Venue, and provide the following minimum coverage:

15 (1) One Million Dollars (\$1,000,000) per person, per occurrence; and

16 (2) One Million Dollars (\$1,000,000) annual aggregate.

17 Said policy must specifically name the City of Seattle as an additional insured party thereunder in the
18 following manner:

19 The City of Seattle is an additional insured for all coverages provided by this policy of
20 insurance and shall be fully and completely protected by this policy and for any claim, suit,
21 injury, death, damage or loss of any sort sustained by a person, organization or corporation
22 in connection with any activity under the license or use or occupancy of any Youth Dance
23 Venue regulated by this section.

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1 The coverages provided by this policy to the City or any other named insured shall not be
2 terminated, reduced, or otherwise changed in any respect without providing at least thirty
3 (30) days prior written notice to the Risk Manager of the City of Seattle.

4 C. The licensee shall deliver to the Risk Manager of the City of Seattle a copy of all policies
5 required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction
6 of the Risk Manager that the licensee has secured or renewed and is maintaining insurance as required by
7 this section.

8 The "ACCORD" form of Certification of Insurance shall not be submitted as such evidence, and
9 shall not be deemed to be satisfactory evidence unless the following changes are made on such form:

10
11 The wording on the top of the form:

12 This certificate is issued as a matter of information only and confers no rights upon the certificate
13 holder.

14 shall be deleted in its entirety.

15
16 The wording at the bottom of the form:

17 Should any of the above-described policies be canceled, reduced as to coverage, or otherwise
18 changed before the expiration date thereof, the issuing company shall provide written notice of such
19 action to the Risk Manager of the City of Seattle.

20
21 D. The procuring of the insurance required by this section shall not be construed to limit the
22 licensee's liability thereunder.

1 E. The licensee shall provide for the prompt and efficient handling of all claims for injury,
2 death, damage or loss arising out of the acts or omissions of licensee. The licensee agrees that all such
3 claims, whether processed by the licensee or its insurer, either indirectly or by means of an agent, will be
4 handled by a person with a permanent office within the corporate limits of Seattle.

5
6
7
8 **III. ENFORCEMENT**

9
10 **6.295.160. Suspension or Revocation – Grounds, Duration and Administrative Appeal.**

11 A. A license issued pursuant to this Chapter may be suspended or revoked pursuant to the terms
12 of this Chapter upon a finding that any one (1) or more of the following violations exist or have occurred:

13 1. The license was procured by fraud or false representation or omission of material
14 fact in the license application; or

15 2. The applicant or licensee, or natural person who made the license application on
16 behalf of the applicant or licensee, or any limited partner, partner, owner, ~~or principal~~ or On-Site Manager
17 of the applicant or licensee has:

18 a. Knowingly made any false statement or given any false information in
19 connection with an application for a license; or

20 b. Has violated any of the provisions of this Chapter or has committed any act
21 which is a ground for denial of a license issued pursuant to this Chapter; or

22 3. The licensee, or any employee or agent thereof, has or have knowingly allowed or
23 permitted to occur at any ~~All-Ages~~ Youth Dance Venue:

1 a. Any felony crime of violence as defined by RCW 9.41.010(11), a most
2 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
3 a felony involving the use or display of a deadly weapon ; or

4 b. Any felony sexual offense, including but not limited to a sex offense as
5 defined by RCW 9.94A.030(37) or RCW Ch. 9A.44, a felony as defined by RCW Ch. 9.68A (sexual
6 exploitation of minors) or RCW Ch. 9A.88 (indecent exposure and prostitution), a felony sexual offense
7 included under RCW 43.43.830(5) (crimes against children or other persons), or extortion to obtain sexual
8 favors pursuant to RCW 9A.56.110; or

9 c. Any felony sexual offense involving a minor as the victim, or any crime
10 involving prostitution or promoting prostitution, or indecent exposure; or

11 d. Any act of solicitation for prostitution; or

12 e. The unlawful possession of any weapon or firearm; or

13 4. On three or more occasions during any one-year period, the licensee or any
14 employee or agent thereof has or have knowingly allowed or permitted to occur at any ~~All-Ages~~Youth
15 Dance Venue or combination of Venues:

16 a. The unlawful possession, consumption, opening, sale, purchase or supplying of
17 liquor as defined in RCW 66.04.010(20); or

18 b. The unlawful possession, manufacture, sale, delivery, dispensing, distribution, or the
19 possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug or controlled
20 substance.

21 For purposes of this Subsection A4, the actions or knowledge of an employee or agent of the licensee shall
22 be imputed to the licensee; or

1 5. On three or more occasions during any one-year period, any building structure or premises
2 at which the licensee operated or conducted any ~~All-Ages~~Youth Dance, or any combination of such
3 buildings, structures or premises, failed to comply with the building, land-use, planning, health ~~or~~ fire
4 codes or the noise-control ordinance.

5 B. The duration of any suspensions or revocations of licenses issued under this Chapter shall be
6 as follows:

- 7 1. A 30-day suspension upon the first violation during any one-year period;
- 8 2. A 90-day suspension upon the second such violation;
- 9 3. A one-year revocation upon the third such violation;

10 Provided, however, that if a license is suspended or revoked because any person listed in
11 Subsection A 2 of this Seattle Municipal Code Section 6.295.160 has been determined to be a sexually-
12 violent predator, or has been convicted of a crime set forth in Subsections C or D of Seattle Municipal Code
13 Section 6.295.100, then the person against whom such finding or conviction has been entered shall be
14 disqualified from licensing pursuant to this Chapter, or from being an applicant, a limited partner, partner,
15 owner, ~~or~~ principal or On-Site Manager of an applicant, or from making an application on behalf of an
16 applicant under this Chapter, during the relevant periods of disqualification set forth in Subsections B, C or
17 D of Seattle Municipal Code Section 6.295.100; and

18 Provided further, that the fourth and subsequent occasions during any one-year period on
19 which the licensee or any employee or agent thereof has knowingly allowed or permitted to occur those
20 activities set forth in Subsection A 4 of this Seattle Municipal Code Section 6.295.160, or on which any
21 building, structure or premises has failed to comply with the building, ~~land-use~~, planning health or fire
22 codes, or the noise-control ordinance, as set forth in Subsection A 5 of this Seattle Municipal Code Section

1 6.295.160, each shall be counted as a separate violation for which a license issued pursuant to this Chapter
2 may be suspended or revoked.

3 C. Notice and Administrative Appeal.

4 1. For each occasion on which it is alleged the licensee, or any employee or agent
5 thereof, has knowingly allowed or permitted those activities set forth in Subsection A 4 of this Seattle
6 Municipal Code Section 6.295.160, or on which any building, structure or premises has failed to comply
7 with the building, land-use, planning health or fire codes or the noise-control ordinance as set forth in
8 Subsection A 5 herein, and which occasion does not constitute a violation for which a license issued
9 pursuant to this Chapter may be suspended or revoked, the Director shall give written notice to the
10 affected licensee. Such notice shall be mailed or delivered to the licensee within ten (10) days of such
11 time that the Director was made aware of such occasion.

12 2. Any such notice shall state that the licensee is entitled to a hearing to respond to the
13 notice and introduce any evidence to refute the allegations contained in the notice. Upon written request
14 filed within ten (10) days after the date of the notice, the Director shall set a hearing date, which shall be
15 not more than fourteen (14) days from the date of the receipt of the request. Failure to file a timely
16 written request shall constitute waiver of any right to appeal the notice.

17 3. The hearing shall be held by the Director of Revenue and Consumer Affairs.

18 4. The hearing shall be informal, but shall be recorded by electronic means provided by
19 the Director of Revenue and Consumer Affairs. Within twenty (20) days of the hearing, the Director of
20 Revenue and Consumer Affairs shall issue a written ruling including factual findings and conclusions,
21 with supporting reasons, affirming, modifying, or reversing the notice. The decision shall be mailed by
22 first class mail to the licensee.

1 5. The decision of the Director of Revenue and Consumer Affairs is subject to review by
2 the Hearing Examiner and panel of Commissioners only during a license suspension or revocation
3 hearing as provided for SMC 6.295.180.

4 **6.295.170 Operating without a License.**

5 A. Any person who conducts or operates an ~~All-Ages~~Youth Dance or ~~All-Ages~~Youth Dance
6 Venue without a valid license issued pursuant to this Chapter commits an infraction, the penalty for which
7 cannot exceed \$500; provided that if such person previously has been determined to have committed such
8 infraction or has been found guilty under this subsection, then such person is guilty of a misdemeanor, and
9 may be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to
10 exceed ninety (90) days, or by both such fine and imprisonment. Absolute liability is imposed by this
11 Subsection pursuant to Seattle Municipal Code Section 12A.04.100.

12 B. Any person who is convicted of a crime pursuant to the above Subsection A is ineligible to
13 apply for an ~~All-Ages~~Youth Dance license for (30) days following ~~such conviction.~~such conviction.

14 **6.295.180 Appeals of License Denials, Suspensions or Revocations – Role of Music and Youth**
15 **Commission.**

16
17 A. Appeals from denials, suspensions or revocations of licenses issued under this Chapter shall
18 be heard and decided jointly by the Hearing Examiner and two (2) Youth and Music Commission members
19 as provided herein. Except as otherwise provided herein, these appeals shall be heard in the manner
20 prescribed by Seattle Municipal Code Chapters 3.02 and 6.202.

21 B. Whenever the Hearing Examiner receives a timely notice of appeal, pursuant to Seattle
22 Municipal Code Section 6.202.270, of a decision to deny, suspend or revoke a license issued pursuant to
23 this Chapter, the Chair of the Commission shall within fifteen (15) working days of having received such
24 notice select two (2) of its members to hear and decide that appeal jointly with the Hearing Examiner. Only
25 Commission members appointed by the City Council pursuant to Subsection A 1 of Seattle Municipal Code

1 Section 6.295.190 shall be eligible to be selected to hear and decide such appeals. No Commission member
2 who has had a pecuniary, private or personal interest or bias in the matter, or who has otherwise been
3 involved in the matter, shall be selected to hear and decide such appeal. The designated Commission
4 representatives each shall have an equal vote with the Hearing Examiner, except the Hearing Examiner
5 shall be the chairperson of the panel and shall make all evidentiary rulings. Should a question arise as to the
6 previous involvement, interest or bias of a designated Commission member, the Hearing Examiner shall
7 resolve the issue in conformance with the law on the subject.

8 C. Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall
9 prepare a written decision and order which shall be signed by all members of the panel concurring in the
10 decision. An applicant or licensee aggrieved by the decision may seek judicial review of that decision, and
11 may do so only by applying for a writ of review in the King County Superior Court under the provisions of
12 Chapter 7.16 of the Revised Code of Washington. An application for a writ of review must be filed with the
13 Court and served on all parties within fourteen (14) days of the date the decision was issued.

14
15 **IV. MISCELLANEOUS**

16
17 **6.295.190 Music and Youth Commission – Composition and Authority.**

18 A. There is established a twelve (12)-member Music and Youth Commission. The Music and
19 Youth Commission shall be housed and administratively supported within the Seattle Arts Commission.
20 Six (6) Commission members shall be appointed by majority vote of the City Council, and six (6)
21 Commission members shall be appointed by the Mayor, as follows:

22 1. Five (5) of the six (6) Commission members appointed by the City Council shall be
23 Seattle residents with a demonstrated interest in matters relating to music, dance and ~~all-ages-~~ youth-
24 oriented musical and dance events, neighborhood or youth-related issues, public safety or law-enforcement.
25 To the extent possible, these Commission members should represent persons of diverse ages and interests,

1 and should represent a variety of the City's neighborhoods. The City Council also shall endeavor to appoint
2 Commission members that include parents, youth, musicians, persons involved in conducting or operating
3 ~~all ages~~ youth-oriented musical and dance events or venues, and members of neighborhood groups.
4 Commission members appointed under this subsection may not be employees of the City of Seattle, and
5 will serve without compensation.

6 2. The sixth Commission member appointed by the City Council shall be a City
7 Council member or Council staff person, and may serve on the Commission in this capacity only as long as
8 he or she remains on the City Council or Council staff, subject to the terms of Subsection B of this Section
9 6.295.190.

10 3. The six (6) Commission members appointed by the Mayor shall be City employees
11 with a demonstrated expertise in or professional responsibility for law enforcement, public safety, musical
12 events, or youth or neighborhood issues and related matters. Mayoral appointees shall include, among
13 others, representatives from the police department and fire department. Mayoral appointees may serve on
14 the Commission in this capacity only as long as they remain City employees, subject to the terms of
15 Subsection B of this Section 6.295.190

16 B. Each Commission member shall serve a two (2)-year term; provided, however, that three (3)
17 of the initial City Council appointees and three (3) of the initial Mayoral appointees shall serve initial terms
18 of one (1) year, to provide for staggered terms. Following the initial appointments, the terms of one-half
19 (1/2) of the Mayoral appointees and one-half (1/2) of the Council appointees shall begin on January 1 of
20 even-numbered years, with all other terms beginning on January 1 of odd-numbered years. No Commission
21 member may serve more than two (2) consecutive terms. Vacancies shall be filled for the duration of an
22 unexpired term in the same manner as the original appointment. If a person is appointed to fill the duration
23 of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the

1 portion of the unexpired term actually served is one (1) year or more. If the appointing authority fails to
2 appoint or re-appoint a person to fill a Commission position before the incumbent Commission member's
3 term has expired, then the incumbent may remain in his or her position for a period not to exceed 60 days
4 until such appointment or re-appointment is made. The authority that appointed a Commission member
5 may remove that Commission member at will. The Commission may, by majority vote, remove from
6 office a Commission member who is absent without excuse from three (3) Commission meetings during
7 any one (1)-year period. The Commission shall select a chair, and may adopt, promulgate, amend and
8 rescind administrative rules and regulations for its own conduct.

9 C. The purposes and duties of the Commission are as follows:

10 1. To promote and facilitate communication and understanding between and among
11 ~~all ages and youth~~ youth-oriented music and dance promoters and licensees, musicians, youth, parents, and
12 governmental officials; and

13 2. To promote an understanding of laws, policies and resources relating to ~~all ages and~~
14 youth-oriented music and dance events and venues in the City, and to make recommendations concerning
15 these laws, policies and resources; and

16 3. To provide, through its own broad-based membership, an informed opinion
17 concerning ~~all ages and youth~~ youth-oriented music and dance venues in the City, to complement the work
18 of the City's elected officials and departments in these areas, and to make recommendations to those elected
19 officials; and

20 4. When pertinent, to solicit public comment on issues relating to ~~all ages and youth-~~
21 oriented music and dance events and venues in the City.

22 D. In January, 2002, and annually thereafter, the Music and Youth Commission shall report
23 to the City Council on the implementation of this Ordinance. This report shall include a complete

1 review of licenses issued, license violations and enforcement actions taken, and an assessment of the
2 effectiveness of this ordinance in carrying out its purposes.

3
4
5 **6.295.200 Validity of Licenses Issued under Former Chapter 6.294.**

6 All licenses issued under former Seattle Municipal Code Chapter 6.294 prior to the effective date of
7 this ordinance, and which are otherwise valid, shall remain valid for thirty (30) days following the effective
8 date of this ordinance.

9
10 **Section 3.** All violations occurring, all proceedings begun, and all notices given under Chapter
11 6.294 of the Seattle Municipal Code as it existed prior to its repeal by this ordinance shall continue
12 unaffected by this ordinance.

13 **Section 4. Severability.** The several provisions of this ordinance are declared to be separate and
14 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
15 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the
16 validity of the remainder of this ordinance or the validity of its application to other persons or
17 circumstances.

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

21 Passed by the City Council the ____ day of _____, 2000, and signed by me in open
22 session in authentication of its passage this ____ day of _____, 2000.

23
24
25 _____
26 President _____ of the City Council
27

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Approved by me this _____ day of _____, 2000.

Mayor

Filed by me this _____ day of _____, 2000.

City Clerk

(Seal)

ORDINANCE _____

1
2
3
4 **AN ORDINANCE** relating to certain dances and dance venues; adding a new Chapter to the Seattle
5 Municipal Code to regulate such dances and dance venues; providing penalties for violations;
6 establishing a music and youth commission; and repealing Chapter 6.294 of the Seattle
7 Municipal Code.
8
9

10 **WHEREAS**, Young persons under the age of 18 should have access to the arts, including dances, and
11 should be able to participate in the cultural life of the City; and
12

13 **WHEREAS**, The problems associated with unregulated dances and dance venues that permit attendance
14 by young persons under the age of 18, including but not limited to drug and alcohol use and
15 abuse of children, are a matter of City concern; and
16

17 **WHEREAS**, Dances and dance venues that permit attendance by young persons under the age of 18
18 should provide a safe and secure environment for these young patrons; and
19

20 **WHEREAS**, It is appropriate that dances that permit attendance by young persons under the age of 18,
21 and the persons who operate such dances, meet certain requirements and qualifications to ensure
22 a safe and secure environment for these young patrons; and
23

24 **WHEREAS**, To provide a safe and secure environment for young dance patrons and to prevent their
25 victimization, it is important that persons who operate dances be free from recent convictions for
26 crimes that specifically relate to their qualifications to operate such dances, including serious
27 crimes against persons, certain sexual offenses, certain drug offenses, and certain crimes in
28 which a minor was the victim; **NOW, THEREFORE**,
29
30

31 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

32 **Section 1.** Chapter 6.294 of the Seattle Municipal Code is hereby repealed.
33

34 **Section 2.** A new Chapter is added to the Seattle Municipal Code to read as follows:
35

36 **Chapter 6.295**
37

38 **ALL AGES YOUTH DANCES AND DANCE VENUES**
39

40
41 **I. GENERAL PROVISIONS**
42
43

1 **6.295.010 Purpose.** This Chapter is an exercise of police power for the protection of the health, safety
2 and welfare of the general public, including those who attend All-AgesYouth Dances, and is not intended to
3 create, establish or designate any particular class or group of persons who will be especially protected or
4 benefited by its terms.

5 **6.295.020 Construction of Chapter.** The provisions of this Chapter shall be construed liberally to
6 accomplish its purposes. Nothing in this Chapter modifies, repeals or supersedes any provision of another
7 ordinance, rule or requirement that may relate to All-AgesYouth Dances or All-AgesYouth Dance Venues,
8 including but not limited to building, land-use, planning, health and fire ~~codes~~codes and the noise-control
9 ordinance.

10 **6.295.030 Chapter Subject to New License Code – Conflict.** This Chapter is subject to the general
11 provisions of the New License Code, Seattle Municipal Code Chapter 6.202, as those provisions now exist
12 or may hereafter be modified. However, if there is a conflict between this Chapter and Chapter 6.202, this
13 Chapter shall govern.

14 **6.295.040 Definitions.** For purposes of this Chapter, the following definitions shall apply:

15 A. “All-AgesYouth Dance” means any public dance: ~~(1)~~ which persons under age eighteen
16 (18) years are allowed or permitted to attend, ~~or (2) at which each patron is not required to show valid~~
17 ~~picture identification, showing that patron’s date of birth, as a condition of entry.~~

18 B. “All-AgesYouth Dance Venue” means any place or premises where an All-AgesYouth
19 Dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining
20 areas on the premises accessible to the public during the dance.

21 C. A “concert” is any event at which live music is played or sung, and at which the primary
22 purpose of the person conducting or operating the event is for patrons to view a musical performance.

1 D. A "dance" is any event at which the primary purpose of the person conducting or operating
2 the event is for patrons to dance as that term is commonly defined. However, a "dance" shall not be defined
3 to include an event that is a "concert" as that term is defined by this Chapter.

4 E. "Department" means the Executive Services Department of the City of Seattle.

5 F. "Director" means the Executive Services Director of the City of Seattle, or his or her
6 designated representative.

7 G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section
8 12A.04.030 B.

9 H. "On-site manager" is the person present at an ~~All-AgesYouth~~ Dance or ~~All-AgesYouth~~
10 Dance Venue who is responsible for the direct operation and oversight of the dance or venue and
11 supervision of other employees or workers.

12 I. "Person" includes any natural person and, in addition, a company, corporation, partnership,
13 governmental entity, non-profit group or unincorporated association.

14 J. "Public dance" means any dance that is readily accessible to the public.

15 **6.295.050 ~~All-AgesYouth~~ Dance License Required.**

16 A. No person shall conduct or operate an ~~All-AgesYouth~~ Dance unless the person who is
17 conducting or operating such dance has obtained a license in accordance with this Chapter. If a fair, festival
18 or other such event includes one or more separate ~~All-AgesYouth~~ Dances, then only one license shall be
19 required pursuant to this Chapter; provided, however, that each such ~~All-AgesYouth~~ Dance or ~~All-~~
20 ~~AgesYouth~~ Dance Venue must otherwise separately comply with the requirements of this Chapter.

21 B. The requirements of this Chapter shall not apply if the ~~All-AgesYouth~~ Dance admits one
22 hundred fifty (150) or fewer than two hundred fifty (250) patrons.

1 C. The requirements of this Chapter shall not apply if the ~~All-Ages~~Youth Dance is sponsored
2 conducted or operated by:

3 1. An accredited educational institution; or

4 2. A non-profit tax exempt organization, corporation or association recognized by the
5 United States of America as exempt from federal income taxation pursuant to Section 501(c)(1) or
6 (3) of the Internal Revenue Code of 1954, as now existing or hereafter amended; or

7 3. The City of Seattle.

8
9 **6.295.060 License – Duration.** Each license issued by the Director under this Chapter shall be valid for
10 one (1) year.

11 **6.295.070 Fees.** The fee for a license issued pursuant to this Chapter shall be one hundred twenty dollars
12 (\$120). This fee is, as to those persons for whom a licensing fee was required pursuant to former Chapter
13 6.294 of the Seattle Municipal Code, a continuation of the fee required under such former chapter and not a
14 new fee.

15 **6.295.080 Authority of Director.** The Director is authorized to:

16 A. Make rules for the interpretation and implementation of this Chapter pursuant to the
17 Administrative Code; and

18 B. Grant, deny, suspend or revoke licenses according to the terms of this Chapter; and

19 C. Collect fees according to the terms of this Chapter.

20
21 **II. LICENSING REQUIREMENTS AND PROCESS**

22
23 **6.295.090 License Application.** The person desiring to conduct or operate an ~~All-Ages~~Youth Dance shall
24 be responsible for obtaining a license. The applicant shall complete a license application, which shall
25 include the following:

1 A. The name (including any aliases or former names), address, day and evening telephone
2 numbers and date of birth of the applicant. If the applicant is not a natural person, then this information shall
3 be provided for both the applicant (excepting date of birth) and for the natural person making the
4 application on behalf of the applicant. If the applicant is not a natural person, the applicant also shall
5 provide the names (including any aliases or former names), addresses, day and evening telephone numbers
6 and dates of birth of the limited partners, partners, owners, and principals of the applicant.

7 B. The name (including any aliases or former names), address, day and evening telephone
8 numbers and date of birth of any On-Site Manager the applicant will employ or utilize at any Youth Dance
9 Venue during the licensing period.

10 CB. A statement of indemnification and proof of insurance consistent with Municipal Code
11 Section 6.295.150.

12 DC. A statement from the applicant that any premises on which the applicant will conduct or
13 operate any All-Ages Youth Dance will comply with all laws and other legal requirements, including but not
14 limited to building, land-use, health, planning, health and fire codes and the noise-control ordinance; and a
15 statement that the applicant and any employee or agent thereof will, in the conduct of any All-Ages Youth
16 Dance, comply with all laws and other legal requirements, including but not limited to the building, land-
17 use, health, planning, health and fire codes and the noise-control ordinance .

18 ED. A statement that neither the applicant, nor the natural person making the application on
19 behalf of an applicant that is not a natural person, nor any limited partner, partner, owner or principal of an
20 applicant that is not a natural person, nor any On-Site Manager the applicant will employ or utilize at any
21 Youth Dance Venue during the licensing period: (1) is currently the subject of a license suspension or
22 revocation pursuant to Seattle Municipal Code Section 6.295.160; or (2) has at any time been determined to
23 be a sexually-violent predator pursuant to RCW Ch. 71.09 or equivalent statute; or (3) has been convicted

1 within the ten (10) years preceding the filing of the license application of any crime listed in Subsection C
2 of Seattle Municipal Code Section 6.295.100; or (4) has been convicted within the five (5) years preceding
3 the filing of the license application of any crime listed in Subsection D of Seattle Municipal Code Section
4 6.295.100.

5 ~~F.E.~~ Such other information as the Director requires by rule adopted pursuant to the
6 Administrative Code for the health, safety and welfare of the patrons of ~~All-Ages~~Youth Dances and ~~All-~~
7 ~~Ages~~Youth Dance Venues and the general public.

8 ~~G.F.~~ A certification or declaration under penalty of perjury under the laws of the State of
9 Washington that the information and statements in the application are true and correct.

10
11 **6.295.100 Approval or Denial of License Application – Grounds.** Upon the filing of a
12 complete application, including but not limited to compliance with Seattle Municipal Code 6.295.150,
13 ~~The~~ Director shall grant a license unless the license applicant, or the natural person making the application
14 on behalf of an applicant that is not a natural person, or any limited partner, partner, owner or principal of
15 an applicant that is not a natural person, or any On-Site Manager listed in the application pursuant to
16 Subsection B of Seattle Municipal Code 6.295.090;:

17 A. Is currently the subject of a license suspension or revocation pursuant to Seattle
18 Municipal Code Section 6.295.160; or

19 B. Has, at any time, been determined to be a sexually-violent predator pursuant to
20 RCW Ch. 71.09 or equivalent statute; or

21 C. Has been convicted within the ten (10) years preceding the filing of such application
22 of:

23 1. Any sexual crime involving a minor or child as a victim, including but not
24 limited to: such crimes charged under RCW Ch. 9.68A (sexual exploitation of children), or RCW Ch.

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1 9A.44 (sex offenses), or felony crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution),
2 or such crimes included within RCW 9.94A.030(37) (sex offenses), or such crimes included within RCW
3 43.43.830(5) (crimes against children or other persons), or a crime for which a finding of sexual motivation
4 has been made pursuant to RCW 9.94A.127, or extortion for sexual favors pursuant to RCW 9A.56.110; or

5 2. An attempt or conspiracy to commit any crime as set forth in this Subsection
6 C, or of aiding and abetting such crime; or

7 D. Has, under circumstances not requiring license denial pursuant to the preceding
8 Subsections B and C, been convicted within the five (5) years preceding the filing of such application of:

9 1. Any felony crime involving the unlawful manufacture, sale, delivery,
10 dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a
11 drug, legend drug, or controlled substance, including but not limited to those crimes charged under RCW
12 Ch. 69.41 (legend drugs), RCW Ch. 69.43 (precursor drugs) and RCW Ch. 69.50 (Uniform Controlled
13 Substances Act); or

14 2. Any felony crime of violence as defined by RCW 9.41.010(11), a most
15 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
16 a felony with a deadly weapon finding or verdict under RCW 9.94A.125; or

17 3. Any sexual offense, including but not limited to: a sex offense as defined by
18 RCW 9.94A.030(37) or RCW Ch. 9A.44, a crime for which a finding of sexual motivation has been made
19 under RCW 9.94A.127, extortion to obtain sexual favors pursuant to RCW 9A.56.110, or sexual offenses
20 included within RCW 43.43.830(5) (crimes against children or other persons), or felony crimes charged
21 under RCW Ch. 9A.88 (indecent exposure and prostitution); or

22 4 An attempt or conspiracy to commit any crime as set forth in this Subsection
23 D, or of aiding and abetting such crime.

1 **6.295.110 Approval or Denial of License Application – Time Frame.** The Director normally shall
2 approve or deny a license within ten (10) business days of the filing of a complete application under
3 Municipal Code Sections 6.202.130 and 6.295.090; provided, however, that the Director may take
4 reasonable additional time for approval or denial when necessary to conduct a criminal-history
5 investigation.

6 **6.295.120 License – Limited to Licensee.** Any license issued under this Chapter shall apply to a single
7 licensee, and- shall not be transferable to other persons or licensees. The licensee may use such license at
8 any ~~All-Ages~~Youth Dance Venue or Venues; provided, however, that such ~~use shall~~use shall not excuse the
9 licensee or venue from compliance with any ordinance, rule or requirement that may relate to such licensee
10 or venue, including but not limited to building, land-use, planning, health and fire codes and the noise-
11 control ordinance; and provided further that such use shall not result in an extension of the duration of such
12 license.

13 **6.295.130 Security Personnel.**

14 A. It shall be the obligation of every person licensed under this Chapter to insure that an
15 adequate number of qualified security personnel are employed and in attendance at an ~~All-Ages~~Youth
16 Dance Venue during and following each ~~All-Ages~~Youth Dance, in order to maintain order and ensure
17 compliance with the law. ~~Specifically~~An “adequate number of qualified security personnel” shall include at
18 least two (2) qualified security persons at each Youth Dance or Youth Dance Venue, plus at least one (1)
19 additional qualified security person for every one hundred (100) patrons admitted to the Youth Dance or
20 Youth Dance Venue, in addition to the first one hundred fifty (150) patrons so admitted.

21 B. At least two (2) security persons at each Youth Dance or Youth Dance Venue shall be sworn
22 law-enforcement personnel, licensed by the Washington State Criminal Justice Training Commission. Such
23 sworn law-enforcement personnel shall be off duty and compensated by the licensee. One such sworn law-

1 enforcement person shall patrol the sidewalks and other public areas abutting the Youth Dance Venue
2 during and following each Youth Dance. Those security personnel who are not sworn law-enforcement
3 personnel must be licensed and insured pursuant to RCW Ch. 18.170 and WAC Ch. 308—18, and further
4 must have received formal training in crowd control by an agency not associated with the licensee, such
5 person must provide two (2) persons who have received formal training in crowd control and event
6 management, plus one (1) additional person so trained for every one hundred (100) patrons admitted to the
7 All Ages Dance or All Ages Dance Venue in addition to the first two hundred fifty (250) patrons so
8 admitted.

9 **6.295.135 Access—Peace Officers—Director.**

10 All peace officers of the City of Seattle and/or the Director shall have free access to ~~All Ages~~Youth Dance
11 Venues when an ~~All Ages~~Youth Dance is being conducted or operated for the purpose of inspection and to
12 enforce compliance with the provisions of this Chapter.

13 **6.295.140 On-Site Manager.**

14 It shall be the obligation of every person licensed under this Chapter to insure that at least one on-
15 site manager is employed and in attendance at an ~~All Ages~~Youth Dance Venue during and following each
16 ~~All Ages~~Youth Dance, to be responsible for the direct operation and oversight of the dance and venue and
17 supervision of other employees or workers.

18 **6.295.142 Age restrictions – Identification requirements – Penalties**

19 A. No person conducting or operating a Youth Dance shall permit, either by act or omission,
20 any person under the age of fifteen (15) years to enter or remain on the premises unless that person is
21 accompanied by his or her parent or legal guardian.

22 B. The person conducting or operating a Youth Dance shall require identification showing the
23 age of each person admitted or seeking to be admitted to such dance.

1 C. Any person who shall by affirmative misrepresentation of age obtain admission to or
2 permission to remain in any Youth Dance in violation of this Chapter shall be guilty of a misdemeanor, and
3 may be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to
4 exceed ninety (90) days, or by both such fine and imprisonment.

5 D. Any person who knowingly or recklessly shall permit a person to enter or remain at any
6 Youth Dance in violation of this Section 6.295.142 shall be guilty of a misdemeanor, and may be punished
7 by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to exceed ninety
8 (90) days, or by both such fine and imprisonment.

9
10 **6.295.144 Hours of operation.** No Youth Dance shall be operated or conducted between the hours of two
11 (2) a.m. and eight (8) a.m. It shall be the responsibility of the licensee to remove persons under eighteen
12 (18) years of age from any Public Dance no later than two (2) a.m. if such dance is to continue past such
13 hour.

14 **6.295.148 Readmission fee.** No person conducting or operating a Youth Dance shall permit any person,
15 other than an employee or other worker, to leave such dance and return unless that person pays a
16 readmission fee equal to, or greater than, one-half (1/2) the original price of admission.

17 **6.295.150 Indemnification.**

18 A. The licensee shall indemnify and hold the City harmless from any and all losses, claims,
19 actions or damages suffered by any person or persons by reason of or resulting from any negligence of the
20 licensee or its agents, employees, or patrons or on account of any act or omission of the licensee in its
21 exercise of its license or use or occupancy of any premises in connection with such license. In the event any
22 suit or action is brought against the City, the licensee shall, upon notice of the commencement thereof,
23 defend the same, at no cost and expense to the City, and promptly satisfy any final judgment adverse to the

Mayor's proposed revisions--**DRAFT**

Page 11

1 City or to the City and the licensee jointly; provided, that in the event the City determines that one (1) or
2 more principles of governmental or public law are involved, the City retains the right to participate in such
3 action. The above liability shall not be diminished by the fact, if it be a fact, that any such death, injury,
4 damage, loss, cost or expense may have been, or may be alleged to have been, contributed to by the
5 negligence of the City or its officers, employees or agents; provided, however, that nothing contained in this
6 section shall be construed as requiring the licensee to indemnify the City against liability for damages
7 arising out of bodily injury to persons or damage to property caused by or resulting from the sole
8 negligence of the City, or its officers, employees or agents.

9 B. As a condition precedent to obtaining a license, the licensee shall, at no expense to the City,
10 secure and maintain during the full term of the license, general comprehensive liability insurance issued by
11 one (1) or more companies authorized to do business in the State of Washington, which insurance shall be
12 subject to the approval of the City Risk Manager as to company, form and coverage, and which insurance
13 must fully protect the City from any and all claims and risks in connection with any activity under the
14 license or use or occupancy of any Youth Dance Venue, and provide the following minimum coverage:

15 (1) One Million Dollars (\$1,000,000) per person, per occurrence; and

16 (2) One Million Dollars (\$1,000,000) annual aggregate.

17 Said policy must specifically name the City of Seattle as an additional insured party thereunder in the
18 following manner:

19 The City of Seattle is an additional insured for all coverages provided by this policy of
20 insurance and shall be fully and completely protected by this policy and for any claim, suit,
21 injury, death, damage or loss of any sort sustained by a person, organization or corporation
22 in connection with any activity under the license or use or occupancy of any Youth Dance
23 Venue regulated by this section.

1 The coverages provided by this policy to the City or any other named insured shall not be
2 terminated, reduced, or otherwise changed in any respect without providing at least thirty
3 (30) days prior written notice to the Risk Manager of the City of Seattle.

4 C. The licensee shall deliver to the Risk Manager of the City of Seattle a copy of all policies
5 required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction
6 of the Risk Manager that the licensee has secured or renewed and is maintaining insurance as required by
7 this section.

8 The "ACCORD" form of Certification of Insurance shall not be submitted as such evidence, and
9 shall not be deemed to be satisfactory evidence unless the following changes are made on such form:

10
11 The wording on the top of the form:

12 This certificate is issued as a matter of information only and confers no rights upon the certificate
13 holder.

14 shall be deleted in its entirety.

15
16 The wording at the bottom of the form:

17 Should any of the above-described policies be canceled, reduced as to coverage, or otherwise
18 changed before the expiration date thereof, the issuing company shall provide written notice of such
19 action to the Risk Manager of the City of Seattle.

20
21 D. The procuring of the insurance required by this section shall not be construed to limit the
22 licensee's liability thereunder.

1 E. The licensee shall provide for the prompt and efficient handling of all claims for injury,
2 death, damage or loss arising out of the acts or omissions of licensee. The licensee agrees that all such
3 claims, whether processed by the licensee or its insurer, either indirectly or by means of an agent, will be
4 handled by a person with a permanent office within the corporate limits of Seattle.

5
6
7
8 **III. ENFORCEMENT**

9
10 **6.295.160. Suspension or Revocation – Grounds, Duration and Administrative Appeal.**

11 A. A license issued pursuant to this Chapter may be suspended or revoked pursuant to the terms
12 of this Chapter upon a finding that any one (1) or more of the following violations exist or have occurred:

13 1. The license was procured by fraud or false representation or omission of material
14 fact in the license application; or

15 2. The applicant or licensee, or natural person who made the license application on
16 behalf of the applicant or licensee, or any limited partner, partner, owner, ~~or principal~~ or On-Site Manager
17 of the applicant or licensee has:

18 a. Knowingly made any false statement or given any false information in
19 connection with an application for a license; or

20 b. Has violated any of the provisions of this Chapter or has committed any act
21 which is a ground for denial of a license issued pursuant to this Chapter; or

22 3. The licensee, or any employee or agent thereof, has or have knowingly allowed or
23 permitted to occur at any ~~All-Ages~~ Youth Dance Venue:

1 a. Any felony crime of violence as defined by RCW 9.41.010(11), a most
2 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
3 a felony involving the use or display of a deadly weapon ; or

4 b. Any felony sexual offense, including but not limited to a sex offense as
5 defined by RCW 9.94A.030(37) or RCW Ch. 9A.44, a felony as defined by RCW Ch. 9.68A (sexual
6 exploitation of minors) or RCW Ch. 9A.88 (indecent exposure and prostitution), a felony sexual offense
7 included under RCW 43.43.830(5) (crimes against children or other persons), or extortion to obtain sexual
8 favors pursuant to RCW 9A.56.110; or

9 c. Any felony sexual offense involving a minor as the victim, or any crime
10 involving prostitution or promoting prostitution, or indecent exposure; or

11 d. Any act of solicitation for prostitution; or

12 e. The unlawful possession of any weapon or firearm; or

13 4. On three or more occasions during any one-year period, the licensee or any
14 employee or agent thereof has or have knowingly allowed or permitted to occur at any All-Ages Youth
15 Dance Venue or combination of Venues:

16 a. The unlawful possession, consumption, opening, sale, purchase or supplying of
17 liquor as defined in RCW 66.04.010(20); or

18 b. The unlawful possession, manufacture, sale, delivery, dispensing, distribution, or the
19 possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug or controlled
20 substance.

21 For purposes of this Subsection A4, the actions or knowledge of an employee or agent of the licensee shall
22 be imputed to the licensee; or

1 5. On three or more occasions during any one-year period, any building structure or premises
2 at which the licensee operated or conducted any ~~All-Ages~~Youth Dance, or any combination of such
3 buildings, structures or premises, failed to comply with the building, land-use, planning, health ~~or~~ fire
4 codes or the noise-control ordinance.

5 B. The duration of any suspensions or revocations of licenses issued under this Chapter shall be
6 as follows:

- 7 1. A 30-day suspension upon the first violation during any one-year period;
- 8 2. A 90-day suspension upon the second such violation;
- 9 3. A one-year revocation upon the third such violation;

10 Provided, however, that if a license is suspended or revoked because any person listed in
11 Subsection A 2 of this Seattle Municipal Code Section 6.295.160 has been determined to be a sexually-
12 violent predator, or has been convicted of a crime set forth in Subsections C or D of Seattle Municipal Code
13 Section 6.295.100, then the person against whom such finding or conviction has been entered shall be
14 disqualified from licensing pursuant to this Chapter, or from being an applicant, a limited partner, partner,
15 owner, ~~or principal~~ or On-Site Manager of an applicant, or from making an application on behalf of an
16 applicant under this Chapter, during the relevant periods of disqualification set forth in Subsections B, C or
17 D of Seattle Municipal Code Section 6.295.100; and

18 Provided further, that the fourth and subsequent occasions during any one-year period on
19 which the licensee or any employee or agent thereof has knowingly allowed or permitted to occur those
20 activities set forth in Subsection A 4 of this Seattle Municipal Code Section 6.295.160, or on which any
21 building, structure or premises has failed to comply with the building, ~~land-use~~, planning health or fire
22 codes, or the noise-control ordinance, as set forth in Subsection A 5 of this Seattle Municipal Code Section

1 6.295.160, each shall be counted as a separate violation for which a license issued pursuant to this Chapter
2 may be suspended or revoked.

3 C. Notice and Administrative Appeal.

4 1. For each occasion on which it is alleged the licensee, or any employee or agent
5 thereof, has knowingly allowed or permitted those activities set forth in Subsection A 4 of this Seattle
6 Municipal Code Section 6.295.160, or on which any building, structure or premises has failed to comply
7 with the building, land-use, planning health or fire codes or the noise-control ordinance as set forth in
8 Subsection A 5 herein, and which occasion does not constitute a violation for which a license issued
9 pursuant to this Chapter may be suspended or revoked, the Director shall give written notice to the
10 affected licensee. Such notice shall be mailed or delivered to the licensee within ten (10) days of such
11 time that the Director was made aware of such occasion.

12 2. Any such notice shall state that the licensee is entitled to a hearing to respond to the
13 notice and introduce any evidence to refute the allegations contained in the notice. Upon written request
14 filed within ten (10) days after the date of the notice, the Director shall set a hearing date, which shall be
15 not more than fourteen (14) days from the date of the receipt of the request. Failure to file a timely
16 written request shall constitute waiver of any right to appeal the notice.

17 3. The hearing shall be held by the Director of Revenue and Consumer Affairs.

18 4. The hearing shall be informal, but shall be recorded by electronic means provided by
19 the Director of Revenue and Consumer Affairs. Within twenty (20) days of the hearing, the Director of
20 Revenue and Consumer Affairs shall issue a written ruling including factual findings and conclusions,
21 with supporting reasons, affirming, modifying, or reversing the notice. The decision shall be mailed by
22 first class mail to the licensee.

1 5. The decision of the Director of Revenue and Consumer Affairs is subject to review by
2 the Hearing Examiner and panel of Commissioners only during a license suspension or revocation
3 hearing as provided for SMC 6.295.180.

4 **6.295.170 Operating without a License.**

5 A. Any person who conducts or operates an ~~All-Ages~~Youth Dance or ~~All-Ages~~Youth Dance
6 Venue without a valid license issued pursuant to this Chapter commits an infraction, the penalty for which
7 cannot exceed \$500; provided that if such person previously has been determined to have committed such
8 infraction or has been found guilty under this subsection, then such person is guilty of a misdemeanor, and
9 may be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to
10 exceed ninety (90) days, or by both such fine and imprisonment. Absolute liability is imposed by this
11 Subsection pursuant to Seattle Municipal Code Section 12A.04.100.

12 B. Any person who is convicted of a crime pursuant to the above Subsection A is ineligible to
13 apply for an ~~All-Ages~~Youth Dance license for (30) days following ~~such conviction,~~such conviction.

14 **6.295.180 Appeals of License Denials, Suspensions or Revocations – Role of Music and Youth**
15 **Commission.**

16
17 A. Appeals from denials, suspensions or revocations of licenses issued under this Chapter shall
18 be heard and decided jointly by the Hearing Examiner and two (2) Youth and Music Commission members
19 as provided herein. Except as otherwise provided herein, these appeals shall be heard in the manner
20 prescribed by Seattle Municipal Code Chapters 3.02 and 6.202.

21 B. Whenever the Hearing Examiner receives a timely notice of appeal, pursuant to Seattle
22 Municipal Code Section 6.202.270, of a decision to deny, suspend or revoke a license issued pursuant to
23 this Chapter, the Chair of the Commission shall within fifteen (15) working days of having received such
24 notice select two (2) of its members to hear and decide that appeal jointly with the Hearing Examiner. Only
25 Commission members appointed by the City Council pursuant to Subsection A 1 of Seattle Municipal Code

1 Section 6.295.190 shall be eligible to be selected to hear and decide such appeals. No Commission member
2 who has had a pecuniary, private or personal interest or bias in the matter, or who has otherwise been
3 involved in the matter, shall be selected to hear and decide such appeal. The designated Commission
4 representatives each shall have an equal vote with the Hearing Examiner, except the Hearing Examiner
5 shall be the chairperson of the panel and shall make all evidentiary rulings. Should a question arise as to the
6 previous involvement, interest or bias of a designated Commission member, the Hearing Examiner shall
7 resolve the issue in conformance with the law on the subject.

8 C. Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall
9 prepare a written decision and order which shall be signed by all members of the panel concurring in the
10 decision. An applicant or licensee aggrieved by the decision may seek judicial review of that decision, and
11 may do so only by applying for a writ of review in the King County Superior Court under the provisions of
12 Chapter 7.16 of the Revised Code of Washington. An application for a writ of review must be filed with the
13 Court and served on all parties within fourteen (14) days of the date the decision was issued.

14
15 **IV. MISCELLANEOUS**

16
17 **6.295.190 Music and Youth Commission – Composition and Authority.**

18 A. There is established a twelve (12)-member Music and Youth Commission. The Music and
19 Youth Commission shall be housed and administratively supported within the Seattle Arts Commission.
20 Six (6) Commission members shall be appointed by majority vote of the City Council, and six (6)
21 Commission members shall be appointed by the Mayor, as follows:

22 1. Five (5) of the six (6) Commission members appointed by the City Council shall be
23 Seattle residents with a demonstrated interest in matters relating to music, dance and ~~all ages-~~ youth-
24 oriented musical and dance events, neighborhood or youth-related issues, public safety or law-enforcement.
25 To the extent possible, these Commission members should represent persons of diverse ages and interests,

1 and should represent a variety of the City's neighborhoods. The City Council also shall endeavor to appoint
2 Commission members that include parents, youth, musicians, persons involved in conducting or operating
3 ~~all ages~~ youth-oriented musical and dance events or venues, and members of neighborhood groups.
4 Commission members appointed under this subsection may not be employees of the City of Seattle, and
5 will serve without compensation.

6 2. The sixth Commission member appointed by the City Council shall be a City
7 Council member or Council staff person, and may serve on the Commission in this capacity only as long as
8 he or she remains on the City Council or Council staff, subject to the terms of Subsection B of this Section
9 6.295.190.

10 3. The six (6) Commission members appointed by the Mayor shall be City employees
11 with a demonstrated expertise in or professional responsibility for law enforcement, public safety, musical
12 events, or youth or neighborhood issues and related matters. Mayoral appointees shall include, among
13 others, representatives from the police department and fire department. Mayoral appointees may serve on
14 the Commission in this capacity only as long as they remain City employees, subject to the terms of
15 Subsection B of this Section 6.295.190

16 B. Each Commission member shall serve a two (2)-year term; provided, however, that three (3)
17 of the initial City Council appointees and three (3) of the initial Mayoral appointees shall serve initial terms
18 of one (1) year, to provide for staggered terms. Following the initial appointments, the terms of one-half
19 (1/2) of the Mayoral appointees and one-half (1/2) of the Council appointees shall begin on January 1 of
20 even-numbered years, with all other terms beginning on January 1 of odd-numbered years. No Commission
21 member may serve more than two (2) consecutive terms. Vacancies shall be filled for the duration of an
22 unexpired term in the same manner as the original appointment. If a person is appointed to fill the duration
23 of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the

1 portion of the unexpired term actually served is one (1) year or more. If the appointing authority fails to
2 appoint or re-appoint a person to fill a Commission position before the incumbent Commission member's
3 term has expired, then the incumbent may remain in his or her position for a period not to exceed 60 days
4 until such appointment or re-appointment is made. The authority that appointed a Commission member
5 may remove that Commission member at will. The Commission may, by majority vote, remove from
6 office a Commission member who is absent without excuse from three (3) Commission meetings during
7 any one (1)-year period. The Commission shall select a chair, and may adopt, promulgate, amend and
8 rescind administrative rules and regulations for its own conduct.

9 C. The purposes and duties of the Commission are as follows:

10 1. To promote and facilitate communication and understanding between and among
11 ~~all ages and youth~~ youth-oriented music and dance promoters and licensees, musicians, youth, parents, and
12 governmental officials; and

13 2. To promote an understanding of laws, policies and resources relating to ~~all ages and~~
14 youth-oriented music and dance events and venues in the City, and to make recommendations concerning
15 these laws, policies and resources; and

16 3. To provide, through its own broad-based membership, an informed opinion
17 concerning ~~all ages and youth~~ youth-oriented music and dance venues in the City, to complement the work
18 of the City's elected officials and departments in these areas, and to make recommendations to those elected
19 officials; and

20 4. When pertinent, to solicit public comment on issues relating to ~~all ages and youth-~~
21 oriented -music and dance events and venues in the City.

22 D. In January, 2002, and annually thereafter, the Music and Youth Commission shall report
23 to the City Council on the implementation of this Ordinance. This report shall include a complete

1 review of licenses issued, license violations and enforcement actions taken, and an assessment of the
2 effectiveness of this ordinance in carrying out its purposes.

3
4
5 **6.295.200 Validity of Licenses Issued under Former Chapter 6.294.**

6 All licenses issued under former Seattle Municipal Code Chapter 6.294 prior to the effective date of
7 this ordinance, and which are otherwise valid, shall remain valid for thirty (30) days following the effective
8 date of this ordinance.

9
10 **Section 3.** All violations occurring, all proceedings begun, and all notices given under Chapter
11 6.294 of the Seattle Municipal Code as it existed prior to its repeal by this ordinance shall continue
12 unaffected by this ordinance.

13 **Section 4. Severability.** The several provisions of this ordinance are declared to be separate and
14 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
15 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the
16 validity of the remainder of this ordinance or the validity of its application to other persons or
17 circumstances.

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

21 Passed by the City Council the ____ day of _____, 2000, and signed by me in open
22 session in authentication of its passage this ____ day of _____, 2000.

23
24
25 _____
26 President _____ of the City Council
27

Mayor's proposed revisions--**DRAFT**

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Approved by me this ____ day of _____, 2000.

Mayor

Filed by me this ____ day of _____, 2000.

City Clerk

(Seal)



City of Seattle

Paul Schell, Mayor

Office of the Mayor

FILED
CITY OF SEATTLE
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CITY CLERK



August 17, 2000

The Honorable Richard Conlin
The Honorable Nick Licata
Seattle City Council
M/S 01-11-01

Dear Councilmembers Conlin and Licata:

I have reviewed the recommendations of the Music and Youth Task Force and the draft ordinance that the City Council is considering for vote. At one of the early meetings of the Task Force, I stated that my goal was to improve access for youth and to do so in a safe and secure environment. That goal remains important to me. I am confident that this goal is shared by City Council, the entertainment industry, and youth and parents alike. While I applaud the work of the Taskforce, there are three areas that require further examination before we should consider repealing the existing Teen Dance ordinance:

ALL AGES. The draft ordinance currently allows all ages to attend events without a parent or guardian. I propose establishing a standard that allows youth who are fifteen years and older to attend without a parent or guardian. Those who are fourteen years or younger should require the presence of a parent or guardian.

SAFETY AND SECURITY. The Seattle Police Department's active participation as an essential component of security is important. The presence of our police officers outside the entertainment venue and their full access inside the venue to monitor activities will help deter potential problems and provide an immediate response in the event of an incident. Peer security and youth intervention counselors hired by the event promoter can be a valuable addition to the Seattle Police Department presence. The use of off-duty police officers and licensed, bonded peer security should be viewed as options for promoters to consider, depending on the event's expected level of attendance and potential security risks. The importance of establishing and maintaining a safe and secure environment should encourage additional in-depth decision by City Councilmembers, the entertainment industry, and the Seattle Police Department before a final vote is made.

INSURANCE. The Music & Teen Dance events – as with other entertainment activities – should be conducted with an appropriate level of insurance. To conduct these activities without insurance would not be responsible and could result in unforeseen costs to the City.



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

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

Councilmembers Conlin and Licata

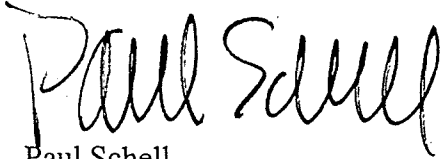
August 17, 2000

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I applaud the Taskforce for their work and I fully support the recommendations for an appeal process that involves city, industry and community members; maintains standards for license eligibility that emphasizes a background check for criminal activity before a license is issued; and establishes a music and youth commission that represents a diversity of age, interests, and our city neighborhoods.

I encourage the City Council to consider these issues before voting to repeal the current Teen Dance ordinance.

Very truly yours,

A handwritten signature in black ink that reads "Paul Schell". The signature is written in a cursive, flowing style.

Paul Schell

cc: Seattle City Councilmembers



**Legislative Department
Office of City Clerk
Memorandum**

Date: September 21, 2000

To: File – CB 113302, CF 304087

From: Judith E. Pippin, City Clerk

Subject: Veto by Mayor, CB 113302

I hereby certify that the foregoing Council Bill No. 113302, after passage by the City Council, was duly presented to the Mayor and by him disapproved and returned to the City Council with his objections in writing; that the objections of the Mayor were duly entered at large on the Journal of the Council and published in the City's Official Newspaper; that said Bill was duly reconsidered and voted upon by the City Council not less than five (5) days after such publication and within thirty (30) days after said Bill had been so returned, to-wit, on September 18, 2000; and that upon such reconsideration said Council Bill, on said last mentioned date, failed to pass said City Council by the affirmative vote of not less than two-thirds of all the members elected.

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ORDINANCE _____

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AN ORDINANCE relating to certain dances and dance venues; adding a new Chapter to the Seattle Municipal Code to regulate such dances and dance venues; providing penalties for violations; establishing a music and youth commission; and repealing Chapter 6.294 of the Seattle Municipal Code.

WHEREAS, Young persons under the age of 18 should have access to the arts, including dances, and should be able to participate in the cultural life of the City; and

WHEREAS, The problems associated with unregulated dances and dance venues that permit attendance by young persons under the age of 18, including but not limited to drug and alcohol use and abuse of children, are a matter of City concern; and

WHEREAS, Dances and dance venues that permit attendance by young persons under the age of 18 should provide a safe and secure environment for these young patrons; and

WHEREAS, It is appropriate that dances that permit attendance by young persons under the age of 18, and the persons who operate such dances, meet certain requirements and qualifications to ensure a safe and secure environment for these young patrons; and

WHEREAS, To provide a safe and secure environment for young dance patrons and to prevent their victimization, it is important that persons who operate dances be free from recent convictions for crimes that specifically relate to their qualifications to operate such dances, including serious crimes against persons, certain sexual offenses, certain drug offenses, and certain crimes in which a minor was the victim; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 6.294 of the Seattle Municipal Code is hereby repealed.

Section 2. A new Chapter is added to the Seattle Municipal Code to read as follows:

Chapter 6.295

ALL-AGES DANCES AND DANCE VENUES

I. GENERAL PROVISIONS



1 **6.295.010 Purpose.** This Chapter is an exercise of police power for the protection of the health, safety
2 and welfare of those who attend All-Ages Dances, and is not intended to create, establish or designate any
3 particular class or group of persons who will be especially protected or benefited by its terms.

4 **6.295.020 Construction of Chapter.** The provisions of this Chapter shall be construed liberally to
5 accomplish its purposes. Nothing in this Chapter modifies, repeals or supersedes any provision of another
6 ordinance, rule or requirement that may relate to All-Ages Dances or All-Ages Dance Venues, including
7 but not limited to building, land-use, planning, health and fire codes.

8 **6.295.030 Chapter Subject to New License Code – Conflict.** This Chapter is subject to the general
9 provisions of the New License Code, Seattle Municipal Code Chapter 6.202, as those provisions now exist
10 or may hereafter be modified. However, if there is a conflict between this Chapter and Chapter 6.202, this
11 Chapter shall govern.

12 **6.295.040 Definitions.** For purposes of this Chapter, the following definitions shall apply:

13 A. “All-Ages Dance” means any public dance: (1) which persons under age eighteen (18) years
14 are allowed or permitted to attend or (2) at which each patron is not required to show valid picture
15 identification, showing that patron’s date of birth, as a condition of entry.

16 B. “All-Ages Dance Venue” means any place or premises where an All-Ages Dance is
17 conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas on the
18 premises accessible to the public during the dance.

19 C. A “concert” is any event at which live music is played or sung, and at which the primary
20 purpose of the person conducting or operating the event is for patrons to view a musical performance.

21 D. A “dance” is any event at which the primary purpose of the person conducting or operating
22 the event is for patrons to dance as that term is commonly defined. However, a “dance” shall not be defined
23 to include an event that is a “concert” as that term is defined by this Chapter.



1 E. "Department" means the Executive Services Department of the City of Seattle.

2 F. "Director" means the Executive Services Director of the City of Seattle, or his or her
3 designated representative.

4 G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section
5 12A.04.030 B.

6 H. "On-site manager" is the person present at an All-Ages Dance or All-Ages Dance Venue
7 who is responsible for the direct operation and oversight of the dance or venue and supervision of other
8 employees or workers.

9 I. "Person" includes any natural person and, in addition, a company, corporation, partnership,
10 governmental entity, non-profit group or unincorporated association.

11 J. "Public dance" means any dance that is readily accessible to the public.

12 **6.295.050 All-Ages Dance License Required.**

13 A. No person shall conduct or operate an All-Ages Dance unless the person who is conducting
14 or operating such dance has obtained a license in accordance with this Chapter. If a fair, festival or other
15 such event includes one or more separate All-Ages Dances, then only one license shall be required pursuant
16 to this Chapter; provided, however, that each such All-Ages Dance or All-Ages Dance Venue must
17 otherwise separately comply with the requirements of this Chapter.

18 B. The requirements of this Chapter shall not apply if the All-Ages Dance admits fewer than
19 two hundred fifty (250) patrons.

20 C. The requirements of this Chapter shall not apply if the All-Ages Dance is sponsored by an
21 accredited educational institution.

22 **6.295.060 License – Duration.** Each license issued by the Director under this Chapter shall be valid for
23 one (1) year.



1 **6.295.070 Fees.** The fee for a license issued pursuant to this Chapter shall be one hundred twenty dollars
2 (\$120). This fee is, as to those persons for whom a licensing fee was required pursuant to former Chapter
3 6.294 of the Seattle Municipal Code, a continuation of the fee required under such former chapter and not a
4 new fee.

5 **6.295.080 Authority of Director.** The Director is authorized to:

- 6 A. Make rules for the interpretation and implementation of this Chapter pursuant to the
7 Administrative Code; and
8 B. Grant, deny, suspend or revoke licenses according to the terms of this Chapter; and
9 C. Collect fees according to the terms of this Chapter.

10
11 **II. LICENSING REQUIREMENTS AND PROCESS**
12

13 **6.295.090 License Application.** The person desiring to conduct or operate an All-Ages Dance shall be
14 responsible for obtaining a license. The applicant shall complete a license application, which shall include
15 the following:

16 A. The name (including any aliases or former names), address, day and evening telephone
17 numbers and date of birth of the applicant. If the applicant is not a natural person, then this information shall
18 be provided for both the applicant (excepting date of birth) and for the natural person making the
19 application on behalf of the applicant. If the applicant is not a natural person, the applicant also shall
20 provide the names (including any aliases or former names), addresses, day and evening telephone numbers
21 and dates of birth of the limited partners, partners, owners, and principals of the applicant.

22 B. A statement of indemnification consistent with Municipal Code Section 6.295.150.

23 C. A statement from the applicant that any premises on which the applicant will conduct or
24 operate any All-Ages Dance will comply with all laws and other legal requirements, including but not
25 limited to building, land-use, health, planning and fire codes; and a statement that the applicant and any



1 employee or agent thereof will, in the conduct of any All-Ages Dance, comply with all laws and other legal
2 requirements, including but not limited to the building, land-use, health, planning and fire codes .

3 D. A statement that neither the applicant, nor the natural person making the application on
4 behalf of an applicant that is not a natural person, nor any limited partner, partner, owner or principal of an
5 applicant that is not a natural person: (1) is currently the subject of a license suspension or revocation
6 pursuant to Seattle Municipal Code Section 6.295.160; or (2) has at any time been determined to be a
7 sexually-violent predator pursuant to RCW Ch. 71.09 or equivalent statute; or (3) has been convicted within
8 the ten (10) years preceding the filing of the license application of any crime listed in Subsection C of
9 Seattle Municipal Code Section 6.295.100; or (4) has been convicted within the five (5) years preceding the
10 filing of the license application of any crime listed in Subsection D of Seattle Municipal Code Section
11 6.295.100.

12 E. Such other information as the Director requires by rule adopted pursuant to the
13 Administrative Code for the health, safety and welfare of the patrons of All-Ages Dances and All-Ages
14 Dance Venues.

15 F. A certification or declaration under penalty of perjury under the laws of the State of
16 Washington that the information and statements in the application are true and correct.

17
18 **6.295.100 Approval or Denial of License Application – Grounds.** The Director shall grant a
19 license unless the license applicant, or the natural person making the application on behalf of an applicant
20 that is not a natural person, or any limited partner, partner, owner or principal of an applicant that is not a
21 natural person:

22 A. Is currently the subject of a license suspension or revocation pursuant to Seattle
23 Municipal Code Section 6.295.160; or



1 B. Has, at any time, been determined to be a sexually-violent predator pursuant to
2 RCW Ch. 71.09 or equivalent statute; or

3 C. Has been convicted within the ten (10) years preceding the filing of such application
4 of:

5 1. Any sexual crime involving a minor or child as a victim, including but not
6 limited to: such crimes charged under RCW Ch. 9.68A (sexual exploitation of children), or RCW Ch.
7 9A.44 (sex offenses), or felony crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution),
8 or such crimes included within RCW 9.94A.030(37) (sex offenses), or such crimes included within RCW
9 43.43.830(5) (crimes against children or other persons), or a crime for which a finding of sexual motivation
10 has been made pursuant to RCW 9.94A.127, or extortion for sexual favors pursuant to RCW 9A.56.110; or

11 2. An attempt or conspiracy to commit any crime as set forth in this Subsection
12 C, or of aiding and abetting such crime; or

13 D. Has, under circumstances not requiring license denial pursuant to the preceding
14 Subsections B and C, been convicted within the five (5) years preceding the filing of such application of:

15 1. Any felony crime involving the unlawful manufacture, sale, delivery,
16 dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a
17 drug, legend drug, or controlled substance, including but not limited to those crimes charged under RCW
18 Ch. 69.41 (legend drugs), RCW Ch. 69.43 (precursor drugs) and RCW Ch. 69.50 (Uniform Controlled
19 Substances Act); or

20 2. Any felony crime of violence as defined by RCW 9.41.010(11), a most
21 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
22 a felony with a deadly weapon finding or verdict under RCW 9.94A.125; or



1 3. Any sexual offense, including but not limited to: a sex offense as defined by
2 RCW 9.94A.030(37) or RCW Ch. 9A.44, a crime for which a finding of sexual motivation has been made
3 under RCW 9.94A.127, extortion to obtain sexual favors pursuant to RCW 9A.56.110, or sexual offenses
4 included within RCW 43.43.830(5) (crimes against children or other persons), or felony crimes charged
5 under RCW Ch. 9A.88 (indecent exposure and prostitution); or

6 4 An attempt or conspiracy to commit any crime as set forth in this Subsection
7 D, or of aiding and abetting such crime.

8 **6.295.110 Approval or Denial of License Application – Time Frame.** The Director normally shall
9 approve or deny a license within ten (10) business days of the filing of a complete application under
10 Municipal Code Sections 6.202.130 and 6.295.090; provided, however, that the Director may take
11 reasonable additional time for approval or denial when necessary to conduct a criminal-history
12 investigation.

13 **6.295.120 License – Limited to Licensee.** Any license issued under this Chapter shall apply to a single
14 licensee, and shall not be transferable to other persons or licensees. The licensee may use such license at
15 any All-Ages Dance Venue or Venues; provided, however, that such use shall not excuse the licensee or
16 venue from compliance with any ordinance, rule or requirement that may relate to such licensee or venue,
17 including but not limited to building, land-use, planning, health and fire codes; and provided further that
18 such use shall not result in an extension of the duration of such license.

19 **6.295.130 Security Personnel.**

20 It shall be the obligation of every person licensed under this Chapter to insure that security
21 personnel are employed and in attendance at an All-Ages Dance Venue during and following each All-Ages
22 Dance, in order to maintain order and ensure compliance with the law. Specifically, such person must
23 provide two (2) persons who have received formal training in crowd control and event management, plus



1 one (1) additional person so trained for every one hundred (100) patrons admitted to the All-Ages Dance or
2 All-Ages Dance Venue in addition to the first two hundred fifty (250) patrons so admitted.

3 **6.295.135 Access—Peace Officers—Director.**

4 All peace officers of the City of Seattle and/or the Director shall have free access to All-Ages Dance
5 Venues when an All-Ages Dance is being conducted or operated for the purpose of inspection and to
6 enforce compliance with the provisions of this Chapter.

7 **6.295.140 On-Site Manager.**

8 It shall be the obligation of every person licensed under this Chapter to insure that at least one on-
9 site manager is employed and in attendance at an All-Ages Dance Venue during and following each All-
10 Ages Dance, to be responsible for the direct operation and oversight of the dance and venue and supervision
11 of other employees or workers.

12 **6.295.150 Indemnification.**

13 The licensee shall indemnify and hold the City harmless from any and all losses, claims, actions or
14 damages suffered by any person or persons by reason of or resulting from any negligence of the licensee or
15 its agents, employees, or patrons or on account of any act or omission of the licensee in its exercise of its
16 license or use or occupancy of any premises in connection with such license. In the event any suit or action
17 is brought against the City, the licensee shall, upon notice of the commencement thereof, defend the same,
18 at no cost and expense to the City, and promptly satisfy any final judgment adverse to the City or to the City
19 and the licensee jointly; provided, that in the event the City determines that one (1) or more principles of
20 governmental or public law are involved, the City retains the right to participate in such action. The above
21 liability shall not be diminished by the fact, if it be a fact, that any such death, injury, damage, loss, cost or
22 expense may have been, or may be alleged to have been, contributed to by the negligence of the City or its
23 officers, employees or agents; provided, however, that nothing contained in this section shall be construed



1 as requiring the licensee to indemnify the City against liability for damages arising out of bodily injury to
2 persons or damage to property caused by or resulting from the sole negligence of the City, or its officers,
3 employees or agents.

4
5 **III. ENFORCEMENT**

6
7 **6.295.160. Suspension or Revocation – Grounds, Duration and Administrative Appeal.**

8 A. A license issued pursuant to this Chapter may be suspended or revoked pursuant to the terms
9 of this Chapter upon a finding that any one (1) or more of the following violations exist or have occurred:

10 1. The license was procured by fraud or false representation or omission of material
11 fact in the license application; or

12 2. The applicant or licensee, or natural person who made the license application on
13 behalf of the applicant or licensee, or any limited partner, partner, owner or principal , of the applicant or
14 licensee has:

15 a. Knowingly made any false statement or given any false information in
16 connection with an application for a license; or

17 b. Has violated any of the provisions of this Chapter or has committed any act
18 which is a ground for denial of a license issued pursuant to this Chapter; or

19 3 The licensee, or any employee or agent thereof, has or have knowingly allowed or
20 permitted to occur at any All-Ages Dance Venue:

21 a. Any felony crime of violence as defined by RCW 9.41.010(11), a most
22 serious offense as defined by RCW 9.94A.030(27), a violent offense as defined by RCW 9.94A.030(44), or
23 a felony involving the use or display of a deadly weapon ; or

24 b. Any felony sexual offense, including but not limited to a sex offense as
25 defined by RCW 9.94A.030(37) or RCW Ch. 9A.44, a felony as defined by RCW Ch. 9.68A (sexual



1 exploitation of minors) or RCW Ch. 9A.88 (indecent exposure and prostitution), a felony sexual offense
2 included under RCW 43.43.830(5) (crimes against children or other persons), or extortion to obtain sexual
3 favors pursuant to RCW 9A.56.110; or

4 c. Any felony sexual offense involving a minor as the victim, or any crime
5 involving prostitution or promoting prostitution, or indecent exposure; or

6 d. Any act of solicitation for prostitution; or

7 e. The unlawful possession of any weapon or firearm; or

8 4. On three or more occasions during any one-year period, the licensee or any
9 employee or agent thereof has or have knowingly allowed or permitted to occur at any All-Ages Dance
10 Venue or combination of Venues:

11 a. The unlawful possession, consumption, opening, sale, purchase or supplying of
12 liquor as defined in RCW 66.04.010(20); or

13 b. The unlawful possession, manufacture, sale, delivery, dispensing, distribution, or the
14 possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug or controlled
15 substance.

16 For purposes of this Subsection A4, the actions or knowledge of an employee or agent of the licensee shall
17 be imputed to the licensee; or

18 5. On three or more occasions during any one-year period, any building structure or premises
19 at which the licensee operated or conducted any All-Ages Dance, or any combination of such buildings,
20 structures or premises, failed to comply with the building, land-use, planning, health or fire codes.

21 B. The duration of any suspensions or revocations of licenses issued under this Chapter shall be
22 as follows:

23 1. A 30-day suspension upon the first violation during any one-year period;



1 2. A 90-day suspension upon the second such violation;

2 3. A one-year revocation upon the third such violation;

3 Provided, however, that if a license is suspended or revoked because any person listed in
4 Subsection A 2 of this Seattle Municipal Code Section 6.295.160 has been determined to be a sexually-
5 violent predator, or has been convicted of a crime set forth in Subsections C or D of Seattle Municipal Code
6 Section 6.295.100, then the person against whom such finding or conviction has been entered shall be
7 disqualified from licensing pursuant to this Chapter, or from being an applicant, a limited partner, partner,
8 owner or principal of an applicant, or from making an application on behalf of an applicant under this
9 Chapter, during the relevant periods of disqualification set forth in Subsections B, C or D of Seattle
10 Municipal Code Section 6.295.100; and

11 Provided further, that the fourth and subsequent occasions during any one-year period on
12 which the licensee or any employee or agent thereof has knowingly allowed or permitted to occur those
13 activities set forth in Subsection A 4 of this Seattle Municipal Code Section 6.295.160, or on which any
14 building, structure or premises has failed to comply with the building, land-use, planning health or fire
15 codes as set forth in Subsection A 5 of this Seattle Municipal Code Section 6.295.160, each shall be
16 counted as a separate violation for which a license issued pursuant to this Chapter may be suspended or
17 revoked.

18 C. Notice and Administrative Appeal.

19 1. For each occasion on which it is alleged the licensee, or any employee or agent
20 thereof, has knowingly allowed or permitted those activities set forth in Subsection A 4 of this Seattle
21 Municipal Code Section 6.295.160, or on which any building, structure or premises has failed to comply
22 with the building, land-use, planning health or fire codes as set forth in Subsection A 5 herein, and which
23 occasion does not constitute a violation for which a license issued pursuant to this Chapter may be



1 suspended or revoked, the Director shall give written notice to the affected licensee. Such notice shall
2 be mailed or delivered to the licensee within ten (10) days of such time that the Director was made
3 aware of such occasion.

4 2. Any such notice shall state that the licensee is entitled to a hearing to respond to the
5 notice and introduce any evidence to refute the allegations contained in the notice. Upon written request
6 filed within ten (10) days after the date of the notice, the Director shall set a hearing date, which shall be
7 not more than fourteen (14) days from the date of the receipt of the request. Failure to file a timely
8 written request shall constitute waiver of any right to appeal the notice.

9 3. The hearing shall be held by the Director of Revenue and Consumer Affairs.

10 4. The hearing shall be informal, but shall be recorded by electronic means provided by
11 the Director of Revenue and Consumer Affairs. Within twenty (20) days of the hearing, the Director of
12 Revenue and Consumer Affairs shall issue a written ruling including factual findings and conclusions,
13 with supporting reasons, affirming, modifying, or reversing the notice. The decision shall be mailed by
14 first class mail to the licensee.

15 5. The decision of the Director of Revenue and Consumer Affairs is subject to review by
16 the Hearing Examiner and panel of Commissioners only during a license suspension or revocation
17 hearing as provided for SMC 6.295.180.

18 **6.295.170 Operating without a License.**

19 A. Any person who conducts or operates an All-Ages Dance or All-Ages Dance Venue without
20 a valid license issued pursuant to this Chapter commits an infraction, the penalty for which cannot exceed
21 \$500; provided that if such person previously has been determined to have committed such infraction or has
22 been found guilty under this subsection, then such person is guilty of a misdemeanor, and may be punished
23 by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to exceed ninety



1 (90) days, or by both such fine and imprisonment. Absolute liability is imposed by this Subsection pursuant
2 to Seattle Municipal Code Section 12A.04.100.

3 B. Any person who has been found to have committed an infraction or who is convicted of a
4 crime pursuant to the above Subsection A is ineligible to apply for an All-Ages Dance license for (30) days
5 following such finding or conviction.

6 **6.295.180 Appeals of License Denials, Suspensions or Revocations – Role of Music and Youth**
7 **Commission.**

8
9 A. Appeals from denials, suspensions or revocations of licenses issued under this Chapter shall
10 be heard and decided jointly by the Hearing Examiner and two (2) Youth and Music Commission members
11 as provided herein. Except as otherwise provided herein, these appeals shall be heard in the manner
12 prescribed by Seattle Municipal Code Chapters 3.02 and 6.202.

13 B. Whenever the Hearing Examiner receives a timely notice of appeal, pursuant to Seattle
14 Municipal Code Section 6.202.270, of a decision to deny, suspend or revoke a license issued pursuant to
15 this Chapter, the Chair of the Commission shall within fifteen (15) working days of having received such
16 notice select two (2) of its members to hear and decide that appeal jointly with the Hearing Examiner. Only
17 Commission members appointed by the City Council pursuant to Subsection A 1 of Seattle Municipal Code
18 Section 6.295.190 shall be eligible to be selected to hear and decide such appeals. No Commission member
19 who has had a pecuniary, private or personal interest or bias in the matter, or who has otherwise been
20 involved in the matter, shall be selected to hear and decide such appeal. The designated Commission
21 representatives each shall have an equal vote with the Hearing Examiner, except the Hearing Examiner
22 shall be the chairperson of the panel and shall make all evidentiary rulings. Should a question arise as to the
23 previous involvement, interest or bias of a designated Commission member, the Hearing Examiner shall
24 resolve the issue in conformance with the law on the subject.



1 C. Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall
2 prepare a written decision and order which shall be signed by all members of the panel concurring in the
3 decision. An applicant or licensee aggrieved by the decision may seek judicial review of that decision, and
4 may do so only by applying for a writ of review in the King County Superior Court under the provisions of
5 Chapter 7.16 of the Revised Code of Washington. An application for a writ of review must be filed with the
6 Court and served on all parties within fourteen (14) days of the date the decision was issued.

7
8 **IV. MISCELLANEOUS**

9
10 **6.295.190 Music and Youth Commission – Composition and Authority.**

11 A. There is established a twelve (12)-member Music and Youth Commission. The Music and
12 Youth Commission shall be housed and administratively supported within the Seattle Arts Commission.
13 Six (6) Commission members shall be appointed by majority vote of the City Council, and six (6)
14 Commission members shall be appointed by the Mayor, as follows:

15 1. Five (5) of the six (6) Commission members appointed by the City Council shall be
16 Seattle residents with a demonstrated interest in matters relating to music, dance and all-ages musical and
17 dance events, neighborhood or youth-related issues, public safety or law-enforcement. To the extent
18 possible, these Commission members should represent persons of diverse ages and interests, and should
19 represent a variety of the City's neighborhoods. The City Council also shall endeavor to appoint
20 Commission members that include parents, youth, musicians, persons involved in conducting or operating
21 all-ages musical and dance events or venues, and members of neighborhood groups. Commission members
22 appointed under this subsection may not be employees of the City of Seattle, and will serve without
23 compensation.

24 2. The sixth Commission member appointed by the City Council shall be a City
25 Council member or Council staff person, and may serve on the Commission in this capacity only as long as



1 he or she remains on the City Council or Council staff, subject to the terms of Subsection B of this Section
2 6.295.190.

3 3. The six (6) Commission members appointed by the Mayor shall be City employees
4 with a demonstrated expertise in or professional responsibility for law enforcement, public safety, musical
5 events, or youth or neighborhood issues and related matters. Mayoral appointees shall include, among
6 others, representatives from the police department and fire department. Mayoral appointees may serve on
7 the Commission in this capacity only as long as they remain City employees, subject to the terms of
8 Subsection B of this Section 6.295.190

9 B. Each Commission member shall serve a two (2)-year term; provided, however, that three (3)
10 of the initial City Council appointees and three (3) of the initial Mayoral appointees shall serve initial terms
11 of one (1) year, to provide for staggered terms. Following the initial appointments, the terms of one-half
12 (1/2) of the Mayoral appointees and one-half (1/2) of the Council appointees shall begin on January 1 of
13 even-numbered years, with all other terms beginning on January 1 of odd-numbered years. No Commission
14 member may serve more than two (2) consecutive terms. Vacancies shall be filled for the duration of an
15 unexpired term in the same manner as the original appointment. If a person is appointed to fill the duration
16 of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the
17 portion of the unexpired term actually served is one (1) year or more. If the appointing authority fails to
18 appoint or re-appoint a person to fill a Commission position before the incumbent Commission member's
19 term has expired, then the incumbent may remain in his or her position for a period not to exceed 60 days
20 until such appointment or re-appointment is made. The authority that appointed a Commission member
21 may remove that Commission member at will. The Commission may, by majority vote, remove from
22 office a Commission member who is absent without excuse from three (3) Commission meetings during



1 any one (1)-year period. The Commission shall select a chair, and may adopt, promulgate, amend and
2 rescind administrative rules and regulations for its own conduct.

3 C. The purposes and duties of the Commission are as follows:

4 1. To promote and facilitate communication and understanding between and among
5 all-ages and youth music and dance promoters and licensees, musicians, youth, parents, and governmental
6 officials; and

7 2. To promote an understanding of laws, policies and resources relating to all-ages and
8 youth music and dance events and venues in the City, and to make recommendations concerning these laws,
9 policies and resources; and

10 3. To provide, through its own broad-based membership, an informed opinion
11 concerning all-ages and youth music and dance venues in the City, to complement the work of the City's
12 elected officials and departments in these areas, and to make recommendations to those elected officials;
13 and

14 4. When pertinent, to solicit public comment on issues relating to all-ages and youth
15 music and dance events and venues in the City.

16 D. In January, 2002, and annually thereafter, the Music and Youth Commission shall report
17 to the City Council on the implementation of this Ordinance. This report shall include a complete
18 review of licenses issued, license violations and enforcement actions taken, and an assessment of the
19 effectiveness of this ordinance in carrying out its purposes.

20
21
22 **6.295.200 Validity of Licenses Issued under Former Chapter 6.294.**



1 All licenses issued under former Seattle Municipal Code Chapter 6.294 prior to the effective date of
2 this ordinance, and which are otherwise valid, shall remain valid for thirty (30) days following the effective
3 date of this ordinance.

4
5 **Section 3.** All violations occurring, all proceedings begun, and all notices given under Chapter
6 6.294 of the Seattle Municipal Code as it existed prior to its repeal by this ordinance shall continue
7 unaffected by this ordinance.

8 **Section 4.** Severability. The several provisions of this ordinance are declared to be separate and
9 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
10 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the
11 validity of the remainder of this ordinance or the validity of its application to other persons or
12 circumstances.

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

16 Passed by the City Council the 21st day of August, 2000, and signed by me in open
17 session in authentication of its passage this 21st day of August, 2000.

18
19 *Spidi Vill*
20 President _____ of the City Council

21
22
23 Approved by me this _____ day of _____, 2000.

24
25 *Joshy Veto this ordinance*
26 Mayor *Paul Schell August 23, '00*

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29
30 Filed by me this 23rd day of August, 2000.

FILED
CITY OF SEATTLE
00 AUG 20 PM 4:09
CITY CLERK



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(Seal)

Judith E. Pappin
City Clerk



ORDINANCE _____

AN ORDINANCE relating to certain dances and dance venues; adding a new Chapter to the Seattle Municipal Code to regulate such dances and dance venues; providing penalties for violations; establishing a music and youth commission; and repealing Chapter 6.294 of the Seattle Municipal Code.

WHEREAS, Young persons under the age of 18 should have access to the arts, including dances, and should be able to participate in the cultural life of the City; and

WHEREAS, The problems associated with unregulated dances and dance venues that permit attendance by young persons under the age of 18, including but not limited to drug and alcohol use and abuse of children, are a matter of City concern; and

WHEREAS, Dances and dance venues that permit attendance by young persons under the age of 18 should provide a safe and secure environment for these young patrons; and

WHEREAS, It is appropriate that dances and dance venues that permit attendance by young persons under the age of 18, and the persons who operate such dances and dance venues, meet certain requirements and qualifications to ensure a safe and secure environment for these young patrons; and

WHEREAS, To provide a safe and secure environment for young dance patrons and to prevent their victimization, it is important that persons who operate dances and dance venues be free from recent convictions for crimes that specifically relate to their qualifications to operate such dances or dance venues, including serious crimes against persons, certain sexual offenses, certain drug offenses, and certain crimes in which a minor was the victim; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 6.294 of the Seattle Municipal Code is hereby repealed.

Section 2. A new Chapter is added to the Seattle Municipal Code to read as follows:

Chapter 6.295

ALL-AGES DANCES AND DANCE VENUES

I. GENERAL PROVISIONS



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6.295.010 Purpose. This Chapter is an exercise of police power for the protection of the health, safety and welfare of those who attend All-Ages Dances, and is not intended to create, establish or designate any particular class or group of persons who will be especially protected or benefited by its terms.

6.295.020 Construction of Chapter. The provisions of this Chapter shall be construed liberally to accomplish its purposes. Nothing in this Chapter modifies, repeals or supersedes any provision of another ordinance, rule or requirement that may relate to All-Ages Dances or All-Ages Dance Venues, including but not limited to building, zoning, planning, health and fire codes or the noise control ordinance.

6.295.030 Chapter Subject to New License Code – Conflict. This Chapter is subject to the general provisions of the New License Code, Seattle Municipal Code Chapter 6.202, as those provisions now exist or may hereafter be modified. However, if there is a conflict between this Chapter and Chapter 6.202, this Chapter shall govern.

6.295.040 Definitions. For purposes of this Chapter, the following definitions shall apply:

A. “All-Ages Dance” means any public dance: (a) which persons under age eighteen (18) years are authorized or permitted to attend or (b) at which each patron is not required to show valid picture identification, showing that patron’s date of birth, as a condition of entry. If a fair, festival or other such event includes one or more separate All-Ages Dances or All-Ages Dance Venues, then only one license shall be required pursuant to this Chapter; provided, however, that each such All-Ages Dance or All-Ages Dance Venue must otherwise separately comply with the requirements of this Chapter.

B. “All-Ages Dance Venue” means any place or premises where an All-Ages Dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas on the premises accessible to the public during the dance.

C. A “concert” is any event at which live music is played or sung, and at which the primary purpose is for patrons to view a musical performance.



1
2 D. A “dance” is any event at which music, either live or recorded, is played or sung, and at
3 which the primary purpose is for patrons to dance as that term is commonly defined. However, a “dance”
4 shall not be defined to include an event that is a “concert” as that term is defined by this Chapter.

5 E. “Department” means the Executive Services Department of the City of Seattle.

6 F. “Director” means the Executive Services Director of the City of Seattle, or his or her
7 designated representative.

8 G. “Knowingly” shall have the definition set forth in Seattle Municipal Code Section
9 12A.04.030 B.

10 H. “On-site manager” is the person present at an All-Ages Dance or All-Ages Dance Venue
11 who is responsible for the direct operation and oversight of the dance or venue and supervision of other
12 employees or workers.

13 I. “Person” includes any natural person and, in addition, a company, corporation, partnership,
14 governmental entity, non-profit group or unincorporated association.

15 J. “Public dance” means any dance that is readily accessible to the public.

16 **6.295.050 All-Ages Dance License Required.**

17 A. No person shall conduct or operate an All-Ages Dance or All-Ages Dance Venue unless the
18 person who is conducting or operating such dance or venue has obtained a license in accordance with this
19 Chapter.

20 B. The requirements of this Chapter shall not apply if the All-Ages Dance or All-Ages Dance
21 Venue admits fewer than two hundred fifty (250) patrons.

22 **6.295.060 License – Duration.** Each license issued by the Director under this Chapter shall be valid for
23 one (1) year.

24



1 **6.295.070 Fees.**

2 A. The fee for a license issued pursuant to this Chapter shall be one hundred twenty dollars
3 (\$120); an additional fifteen dollars (\$15) may be charged for each individual for whom it is necessary to
4 obtain fingerprints for a criminal-history check.

5 B. The fee for transfer of a valid All-Ages Dance License to a new location pursuant to
6 Subsection B of Seattle Municipal Code Section 6.295.120 shall be thirty dollars (\$30); an additional fee of
7 twenty dollars (\$20) may be charged for each individual for whom a criminal-history check is performed;
8 an additional fee of fifteen dollars (\$15) may be charged for each individual for whom it is necessary to
9 obtain fingerprints for a criminal-history check.

10 **6.295.080 Authority of Director.** The Director is authorized to:

11 A. Make rules for the interpretation and implementation of this Chapter pursuant to the
12 Administrative Code; and

13 B. Grant, deny, suspend or revoke licenses according to the terms of this Chapter; and

14 C. Collect fees according to the terms of this Chapter.

15 **II. LICENSING REQUIREMENTS AND PROCESS**

16 **6.295.090 License Application.**

17 A. The person desiring to conduct or operate an All-Ages Dance or All-Ages Dance Venue
18 shall be responsible for obtaining a license. The applicant shall complete a license application, which shall
19 include the following:

20 1. The name (including any aliases or former names), address, day and evening
21 telephone numbers and date of birth of the applicant. If the applicant is not a natural person, then this
22 information shall be provided for both the applicant and for the natural person making the application on
23 behalf of the applicant.
24



1 2. The name(s) (including any aliases or former names), address(es), day and evening
2 telephone numbers and date(s) of birth of the on-site manager(s) of the All-Ages Dance or All-Ages Dance
3 Venue. At least one on-site manager must be designated for each such dance or dance venue.

4 3. The name, address and day and evening telephone numbers of the owner of the
5 premises upon which the All-Ages Dance will take place or at which the All-Ages Dance Venue will be
6 located.

7 B. If the answers to any part of Subsections A1 through A3 of this section involve a company,
8 corporation, partnership, governmental entity, non-profit group or unincorporated association, the name of
9 such entity and the names (including any aliases or former names), addresses, day and evening telephone
10 numbers and dates of birth of the limited partners, partners, officers, directors and principals thereof.

11 C. A statement of indemnification consistent with Municipal Code Section 6.295.150.

12 D. A statement from the applicant that the premises are in compliance with all laws and other
13 legal requirements, including but not limited to building, zoning, health, planning and fire codes and the
14 noise control ordinance; a statement that the applicant and on-site manager will, in the conduct of the All-
15 Ages Dance or All-Ages Dance Venue, comply with all laws and other legal requirements, including but
16 not limited to the building, zoning, health, planning and fire codes and the noise control ordinance, and a
17 statement that no person listed under Subsection B of Municipal Code Section 6.295.100 is disqualified
18 from licensing thereunder.

19 E. Such other information as the Director requires by rule adopted pursuant to the
20 Administrative Code for the health, safety and welfare of the patrons of All-Ages Dances and All-Ages
21 Dance Venues.

22 F. A certification or declaration under penalty of perjury under the laws of the State of
23 Washington that the information and statements in the application are true and correct.

24



1 **6.295.100 Approval or Denial of License Application – Grounds.** The Director shall grant a license
2 unless:

3 A. The applicant or the venue for which the application is sought has failed to comply with all
4 laws and other legal requirements, including but not limited to building, zoning, health, planning and fire
5 codes or the noise control ordinance; or

6 B. The applicant, or the natural person making the application on behalf of an applicant that is
7 not a natural person, or any limited partner, partner, officer, director or principal of an applicant that is not a
8 natural person, or the designated on-site manager(s):

9 1. Is currently the subject of a license suspension or revocation pursuant to Municipal
10 Code Section 6.295.160; or

11 2. Has, at any time, been determined to be a sexually-violent predator pursuant to
12 RCW Ch. 71.09 or equivalent statute; or

13 3. Has been convicted within the ten (10) years preceding the filing of such application
14 of:

15 a. Any sexual crime involving a minor or child as a victim, including but not
16 limited to: such crimes charged under RCW Ch. 9.68A (sexual exploitation of minors), or RCW Ch. 9A.44
17 (sex offenses), or RCW Ch. 9A.64 (family offenses), or RCW Ch. 9A.88 (indecent exposure and
18 prostitution), or such crimes included within RCW 9.94A.030(33) (sex offenses), or such crimes included
19 within RCW 43.43.830(5) (crimes against children or other persons), or a crime for which a finding of
20 sexual motivation has been made pursuant to RCW 9.94A.127, or extortion for sexual favors pursuant to
21 RCW 9A.56.110; or

22 b. An attempt or conspiracy to commit any crime as set forth in this Subsection
23 3, or of aiding and abetting such crime; or
24



1 4. Has, under circumstances not requiring license denial pursuant to the preceding
2 Subsections 2 and 3, been convicted within the five (5) years preceding the filing of such application of:

3 a. Any felony crime involving the unlawful manufacture, sale, delivery,
4 dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a
5 drug, legend drug, controlled substance or imitation controlled substance, including but not limited to those
6 crimes charged under RCW Ch. 69.41 (legend drugs), RCW Ch. 69.43 (precursor drugs), RCW Ch. 69.50
7 (Uniform Controlled Substances Act) and RCW Ch. 69.52 (imitation controlled substances); or

8 b. Any felony crime of violence as defined by RCW 9.41.010(11), a most
9 serious offense as defined by RCW 9.94A.030(23), a violent offense as defined by RCW 9.94A.030(38), or
10 a felony with a deadly weapon finding or verdict under RCW 9.94A.125; or

11 c. Any sexual offense, including but not limited to: a sex offense as defined by
12 RCW 9.94A.030(33) or RCW Ch. 9A.44, a crime for which a finding of sexual motivation has been made
13 under RCW 9.94A.127, crimes charged under RCW Ch. 9A.64 (family offenses), extortion to obtain sexual
14 favors pursuant to RCW 9A.56.110, or sexual offenses included within RCW 43.43.830(5) (crimes against
15 children or other persons), or crimes charged under RCW Ch. 9A.88 (indecent exposure and prostitution);
16 or

17 d. Any other felony crime in which a minor or child was the victim; or

18 e. An attempt or conspiracy to commit any crime as set forth in this Subsection
19 4, or of aiding and abetting such crime.

20 **6.295.110 Approval or Denial of License Application – Time Frame.** The Director normally shall
21 approve or deny a license within ten (10) business days of the filing of a complete application under
22 Municipal Code Sections 6.202.130 and 6.295.090; provided, however, that the Director may take



1 reasonable additional time for approval or denial when necessary to conduct a criminal-history
2 investigation.

3 **6.295.120 License – Limited to Licensee and Location – Transfer to New Location.**

4 A. Any license issued under this Chapter shall apply to a single licensee and to a single location
5 only. Such license shall not be transferable to other persons or licensees, and shall not be transferable to
6 other locations except as provided in Subsection B of this Section.

7 B. A valid license issued under this Chapter may be transferred for use by the same applicant at
8 another location only as follows:

9 1. The applicant must complete a license transfer application, which shall include the
10 same information and statements required for the original license application by Seattle Municipal Code
11 Section 6.295.090 and such other information as the Director requires by rule adopted pursuant to the
12 Administrative Code for the health, safety and welfare of the patrons of All-Ages Dances and All-Ages
13 Dance Venues. The original license application for the license sought to be transferred may be attached to
14 the transfer application, and its information incorporated by reference when appropriate.

15 2. The Director shall approve the license transfer application unless the applicant or
16 venue for which the application is sought fail to meet the criteria for license approval set forth in Seattle
17 Municipal Code Section 6.295.100. No additional criminal-history check need be performed prior to
18 approval of a license transfer under this subsection for those persons for whom such a check was performed
19 at the time of application for the original license sought to be transferred. The Director shall approve or
20 deny a license transfer application within the time limit provided by Seattle Municipal Code Section
21 6.295.110.

22 C. The transfer of a license issued under this Chapter to another location shall not result in an
23 extension of the duration of that license.
24



1 **6.295.130 Security Personnel.**

2 It shall be the obligation of every person licensed under this Chapter to insure that security
3 personnel are employed and in attendance at an All-Ages Dance Venue during and following each All-Ages
4 Dance, in order to maintain order and ensure compliance with the law. Specifically, such person must
5 provide two (2) persons who have received formal training in crowd control and event management, plus
6 one (1) additional person so trained for every one hundred (100) patrons admitted to the All-Ages Dance or
7 All-Ages Dance venue in addition to the first two hundred fifty (250) patrons so admitted.

8 **6.295.140 On-Site Manager**

9 It shall be the obligation of every person licensed under this Chapter to insure that at least one on-
10 site manager is employed and in attendance at an All-Ages Dance Venue during and following each All-
11 Ages Dance, to be responsible for the direct operation and oversight of the dance or venue and supervision
12 of other employers or workers.

13 **6.295.150 Indemnification.**

14 The licensee shall indemnify and hold the City harmless from any and all losses, claims, actions or
15 damages suffered by any person or persons by reason of or resulting from any negligence of the licensee or
16 its agents, employees, or patrons or on account of any act or omission of the licensee in its exercise of its
17 license or use or occupancy of the premises. In the event any suit or action is brought against the City, the
18 licensee shall, upon notice of the commencement thereof, defend the same, at no cost and expense to the
19 City, and promptly satisfy any final judgment adverse to the City or to the City and the licensee jointly;
20 provided, that in the event the City determines that one (1) or more principles of governmental or public law
21 are involved, the City retains the right to participate in such action. The above liability shall not be
22 diminished by the fact, if it be a fact, that any such death, injury, damage, loss, cost or expense may have
23 been, or may be alleged to have been, contributed to by the negligence of the City or its officers, employees
24



1 or agents; provided, however, that nothing contained in this section shall be construed as requiring the
2 licensee to indemnify the City against liability for damages arising out of bodily injury to persons or
3 damage to property caused by or resulting from the sole negligence of the City, or its officers, employees or
4 agents.

5 **III. ENFORCEMENT**

6 **6.295.160 Suspension or Revocation – Grounds and Duration.**

7 A. A license issued pursuant to this Chapter may be suspended or revoked pursuant to the terms
8 of this Chapter upon a finding that any one (1) or more of the following violations exist or have occurred:

9 1. The license was procured by fraud or false representation or omission of material
10 fact in the license application; or

11 2. The applicant or licensee, or any officer, director or agent thereof has knowingly
12 made any false statement or given any false information in connection with an application for a license; or

13 3. The licensee or any employee, agent, partner, director, officer or manager thereof
14 has, on three or more occasions during any one-year period, knowingly allowed or permitted on the
15 premises the unlawful possession, consumption, opening, sale, purchase or supplying of liquor as defined in
16 RCW 64.04.010(19), or knowingly has failed to remove from the premises any minor who appears to be
17 under the influence of or affected by liquor; or

18 4. The licensee or any employee, agent, partner, director, officer or manager thereof
19 has, on three or more occasions during any one-year period, knowingly allowed or permitted on the
20 premises the unlawful possession, manufacture, sale, delivery, dispensing, distribution, or the possession
21 with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug, controlled substance or
22 imitation controlled substance, or knowingly has failed to remove from the premises any person who
23 appears to be under the influence of or affected by any drug or controlled substance; or
24



1 5. On three or more occasions during any one-year period, the building, structure,
2 equipment or premises for which the license was issued has not complied with the building, zoning,
3 planning, health and fire codes, or the noise control ordinance; or

4 6. The licensee or any employee, agent, partner, director, officer or manager thereof
5 has knowingly allowed or permitted:

6 a. Any felony crime of violence as defined by RCW 9.41.010(11), a most
7 serious offense as defined by RCW 9.94A.030(23), a violent offense as defined by RCW 9.94A.030(38), or
8 a felony involving the use or display of a deadly weapon to occur in or upon the premises; or

9 b. Any felony sexual offense, including but not limited to a sex offense as
10 defined by RCW 9.94A.030(33) or RCW Ch. 9A.44, a felony as defined by RCW Ch. 9.68A (sexual
11 exploitation of minors), RCW 9A.64 (family offenses) or RCW Ch. 9A.88 (indecent exposure and
12 prostitution), a felony sexual offense included under RCW 43.43.830(5) (crimes against children or other
13 persons), or extortion to obtain sexual favors pursuant to RCW 9A.56.110 to occur on the premises; or

14 c. Any felony sexual offense involving a minor as the victim, or any crime
15 involving prostitution or promoting prostitution, or indecent exposure to occur on the premises; or

16 d. Any act of solicitation for prostitution to occur on the premises; or

17 e. The unlawful possession of any weapon or firearm to occur on the premises;

18 or

19 7. The licensee or any agent, partner, director, officer, principal or on-site manager
20 thereof has violated any of the provisions of this Chapter or committed any act which is a ground for denial
21 of a license issued pursuant to this Chapter.

22 B. The duration of any suspensions or revocations of licenses issued under this Chapter shall be
23 as follows:
24



1 1. A 30-day suspension upon the first violation during any one-year period by any
2 licensee or at any All-Ages Dance Venue;

3 2. A 90-day suspension upon the second such violation;

4 3. A one-year revocation upon the third such violation;

5 Provided, however, that if a license is suspended because of a determination or conviction as
6 set forth in Subsections B2, B3 or B4 of Section 6.295.100 of this Chapter, then the periods of
7 disqualification as set forth in those subsections shall apply to any person to whom such disqualification
8 pertains; and provided further that, for purposes of this subsection, the fourth and subsequent occasions
9 during any one-year period upon which the licensee or any employee, agent, partner, director, officer or
10 manager thereof has knowingly allowed or permitted on the premises the unlawful possession,
11 consumption, opening, sale, purchase or supplying of liquor since the license was last granted or renewed
12 each shall count as a separate violation; and provided further, that for purposes of this subsection, the fourth
13 and subsequent occasions during any one-year period upon which the licensee or any employee, agent,
14 partner, director, officer or manager thereof has knowingly allowed or permitted on the premises the
15 unlawful possession, manufacture, sale, delivery, dispensing, distribution or possession with intent to
16 manufacture, sell, deliver, dispense or distribute a drug, legend drug, controlled substance or imitation
17 controlled substance each shall count as a separate violation; and provided further, that for purposes of this
18 subsection, the fourth and subsequent occasions during any one-year period on which the building,
19 structure, equipment or premises for which the license was issued has not complied with the building,
20 zoning, planning, health and fire codes, or the noise control ordinance, each shall count as a separate
21 violation.

22 **6.295.170 Operating without a License.**



1 A. Any person who shall conduct or operate an All-Ages Dance or All-Ages Dance Venue
2 without a valid license issued pursuant to this Chapter is guilty of a misdemeanor, and may be punished by
3 a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a term not to exceed ninety (90)
4 days, or by both such fine and imprisonment. Absolute liability is imposed by this Subsection pursuant to
5 Seattle Municipal Code Section 12A.04.100.

6 B. Any person convicted of a crime pursuant to the above Subsection A is ineligible to apply
7 for an All-Ages Dance license for (30) days following such conviction.

8 **6.295.180 Appeals of License Denials, Suspensions or Revocations – Role of Music and Youth**
9 **Commission.**

10 A. Appeals from denials, suspensions or revocations of licenses issued under this Chapter shall
11 be heard and decided jointly by the Hearing Examiner and two (2) Youth and Music Commission members
12 as provided herein. Except as otherwise provided herein, these appeals shall be heard in the manner
13 prescribed by Seattle Municipal Code Chapters 3.02 and 6.202.

14 B. Whenever the Hearing Examiner receives a timely notice of appeal, pursuant to Seattle
15 Municipal Code Section 6.202.270, of a decision to deny, suspend or revoke a license issued pursuant to
16 this Chapter, the Commission shall without delay select, by majority vote, two (2) of its members to hear
17 and decide that appeal jointly with the Hearing Examiner. Only Commission members appointed by the
18 City Council pursuant to Subsection A 1 of Seattle Municipal Code Section 6.295.190 shall be eligible to be
19 selected to hear and decide such appeals. In considering the selection of Commission members to hear such
20 appeals, the Commission shall apply the provisions of Seattle Municipal Code Section 4.16.070. No
21 Commission member whose participation in the hearing and decision of an appeal would violate Section
22 4.16.070 shall be selected to hear and decide such appeal.

23 **IV. MISCELLANEOUS**
24



1
2 **6.295.190 Music and Youth Commission – Composition and Authority.**

3 A. There is established a twelve (12)-member Music and Youth Commission. Six (6)
4 Commission members shall be appointed by majority vote of the City Council, and six (6) Commission
5 members shall be appointed by the Mayor, as follows:

6 1. Five (5) of the six (6) Commission members appointed by the City Council shall be
7 Seattle residents with a demonstrated interest in matters relating to music and musical events, neighborhood
8 or youth-related issues, public safety or law-enforcement. To the extent possible, these Commission
9 members should represent persons of diverse ages and interests, and should represent a variety of the City's
10 neighborhoods. The City Council also shall endeavor to appoint Commission members that include parents,
11 youth, band members, persons involved in conducting or operating musical events or venues, and members
12 of neighborhood groups. Commission members appointed under this subsection may not be employees of
13 the City of Seattle, and will serve without compensation.

14 2. The sixth Commission member appointed by the City Council shall be a City
15 Council member or Council staff person.

16 3. The six (6) Commission members appointed by the Mayor shall be City employees
17 with a demonstrated expertise in or professional responsibility for law enforcement, public safety, musical
18 events, or youth or neighborhood issues and related matters. Mayoral appointees shall include, among
19 others, representatives from the police department and fire department.

20 B. Each Commission member shall serve a two (2)-year term; provided, however, that three (3)
21 of the initial City Council appointees and three (3) of the initial Mayoral appointees shall serve initial terms
22 of one (1) year, to provide for staggered terms. Following the initial appointments, the terms of one-half
23 (1/2) of the Mayoral appointees and one-half (1/2) of the Council appointees shall begin on January 1 of
24 even-numbered years, with all other terms beginning on January 1 of odd-numbered years. No Commission



1 member may serve more than two (2) consecutive terms. Vacancies shall be filled for the duration of an
2 unexpired term in the same manner as the original appointment. If a person is appointed to fill the duration
3 of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the
4 portion of the unexpired term actually served is one (1) year or more. If the appointing authority fails to
5 appoint or re-appoint a person to fill a Commission position before the incumbent Commission member's
6 term has expired, then the incumbent may remain in his or her position for a period not to exceed 60 days
7 until such appointment or re-appointment is made. The authority that appointed a Commission member
8 may remove that Commission member at will. The Commission may, by majority vote, remove from
9 office a Commission member who is absent without excuse from three (3) Commission meetings during
10 any one (1)-year period. The Commission may adopt, promulgate, amend and rescind administrative rules
11 and regulations for its own conduct.

12 1. The purposes and duties of the Commission are as follows:

13 a. To promote and facilitate communication and understanding between and
14 among all-ages and youth music and dance promoters and licensees, musicians, youth, parents, and
15 governmental officials; and

16 b. To promote an understanding of laws, policies and resources relating to all-
17 ages and youth music and dance events and venues in the City, and to make recommendations concerning
18 these laws, policies and resources; and

19 c. To provide, through its own broad-based membership, an informed opinion
20 concerning all-ages and youth music and dance venues in the City, to complement the work of the City's
21 elected officials and departments in these areas, and to make recommendations to those elected officials;
22 and



1 d. When pertinent, to solicit public comment on issues relating to all-ages and
2 youth music and dance events and venues in the City; and

3 2. Pursuant to Subsection B of Seattle Municipal Code Section 6.295.180, to select
4 Commission members to hear and decide, jointly with the Hearing Examiner, appeals from the denial,
5 suspension or revocation of a license issued pursuant to this Chapter.

6 **6.295.200 Validity of Licenses Issued under Former Chapter 6.294.**

7 All licenses issued under former Seattle Municipal Code Chapter 6.294 prior to the effective date of
8 this ordinance, and which are otherwise valid, shall remain valid for thirty (30) days following the effective
9 date of this ordinance.

10
11 **Section 3.** All violations occurring, all proceedings begun, and all notices given under Chapter
12 6.294 of the Seattle Municipal Code as it existed prior to its repeal by this ordinance shall continue
13 unaffected by this ordinance.

14 **Section 4. Severability.** The several provisions of this ordinance are declared to be separate and
15 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
16 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the
17 validity of the remainder of this ordinance or the validity of its application to other persons or
18 circumstances.

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

22 Passed by the City Council the ____ day of _____, 2000, and signed by me in open
23 session in authentication of its passage this ____ day of _____, 2000.



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President _____ of the City Council

Approved by me this _____ day of _____, 2000.

Mayor

Filed by me this _____ day of _____, 2000.

City Clerk

(Seal)



STATE OF WASHINGTON - KING COUNTY

122121

City of Seattle, City Clerk

-ss.

No. DANCING YOUT

City of Seattle

The Honorable Heidi Wills
Acting Council President
Seattle City Councilmembers
Seattle City Council
M/S 01-11-01

Dear Councilmember Wills and Councilmembers:

I hereby veto the All-Ages Dance Ordinance (Council Bill 113302) passed by the Council on Monday, August 21, 2000. A copy of the ordinance, signifying my disapproval, is attached to this letter. My reasons for the veto and my objections to Council Bill 113302 are these:

First, I support changes in the existing Teen Dance Ordinance to expand entertainment opportunities for kids, and I have encouraged the establishment of a Task Force to recommend improvements to the existing Ordinance. However, for the same reasons I stated in my August 17 letter to Councilmembers Richard Conlin and Nick Licata (a copy is attached to this letter), I am convinced that the ordinance passed Monday goes too far in allowing unsupervised children who are younger than 15 into dance clubs. I cannot accept an ordinance that would permit a 12- or 13-year old unsupervised entry into a nightclub.

Second, I continue to believe that sworn law-enforcement officers should be included in the security teams for teen dances.

And finally, I believe that promoters of teen dances must have the kinds of insurance we would normally require of special event and concert promoters.

I believe that by making these and other changes, and by working with music industry groups, together we can craft an ordinance that gives young people more entertainment opportunities and continues to stimulate Seattle's justifiably nationally-renowned music scene.

I appreciate the work done by several of you - particularly Councilmember Richard Conlin and the Music and Youth Task Force - develop the All-Ages ordinance. This work and discussions with the music industry should continue to form a basis for our deliberations, but we cannot disregard the advice of parents who have called and written to our offices and to the newspapers. Among other ideas, they've offered two common-sense suggestions that I agree with and that I believe can be written into a revised ordinance without difficulty. They are:

• Children under 15 should not be admitted to "all-ages" dance clubs unless accompanied by a parent or legal guardian (a point I emphasized in my letter to you last week).

• Younger teenagers should be required to leave dance clubs at 2 a.m. (not a requirement of Monday's ordinance), because kids should not stay out all night.

These are good, sensible measures that we should include in a revised ordinance. In making revisions to your ordinance of Monday, I believe that we should have frank discussions with the Music and Youth Task Force about the Washington State Liquor Board's recent liberalization of regulations involving nightclubs and other venues offering entertainment. With regard to such licenses, WSLCB is currently playing a much less restrictive regulatory role than in the past. We need to fully understand what the implications are. For example, under some conditions, WSLCB now permits mixing of youths and adults of drinking age in nightclubs until 10:30 p.m., and requires only nominal separation of youngsters from the drinking area thereafter.

Let me summarize some of the changes I think we need to make a new teenage dance ordinance work. It should include:

• A minimum age of 15 unless accom-

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:HEIDI WILLS LETTE

was published on

08/28/00

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

[Handwritten signature: H. Patterson]

Subscribed and sworn to before me on

08/28/00

[Handwritten signature: M. O'Leary]

Notary Public for the State of Washington, residing in Seattle

Affid

industry continue to form a basis for our deliberations, but we cannot disregard the advice of parents who have called and written to our offices and to the newspapers. Among other ideas, they've offered two common-sense suggestions that I agree with and that I believe can be written into a revised ordinance without difficulty. They are:

- Children under 15 should not be admitted to "all-ages" dance clubs unless accompanied by a parent or legal guardian (a point I emphasized in my letter to you last week).

- Younger teenagers should be required to leave dance clubs at 2 a.m. (not a requirement of Monday's ordinance), because kids should not stay out all night.

These are good, sensible measures that we should include in a revised ordinance. In making revisions to your ordinance of Monday, I believe that we should have frank discussions with the Music and Youth Task Force about the Washington State Liquor Board's recent liberalization of regulations involving nightclubs and other venues offering entertainment. With regard to such licenses, WSLCB is currently playing a much less restrictive regulatory role than in the past. We need to fully understand what the implications are. For example, under some conditions, WSLCB now permits mixing of youths and adults of drinking age in nightclubs until 10:30 p.m., and requires only nominal separation of youngsters from the drinking area thereafter.

Affidavit

Let me summarize some of the changes I think we need to make a new teenage dance ordinance work. It should include:

- A minimum age of 15 unless accompanied by a parent or legal guardian.

- An ending time of 2 a.m., when kids under 18 would have to leave a teen dance club.

- Presence of an adequate number of sworn police officers on any club's security team. (Private security officers do not have the authority to enforce state and local laws. Only sworn law enforcement personnel have that authority. Furthermore, though private security personnel can play an effective role in maintaining order, they have an obvious conflict of interest. They also want to keep their employer's club open and might look the other way at alcohol and drug-law violations.)

- A requirement that private security personnel at teen dance venues be licensed and insured according to state regulations. I am not willing to allow security to be provided by self-selected and self-trained private operators.

- An insurance requirement in addition to an indemnity clause to protect the City. (Indemnity without insurance or other significant other assets — which a promoter would want to protect with insurance, anyway — is meaningless. I understand that some Councilmembers felt this requirement duplicated insurance that would be obtained during the normal course of business for such operations. If so then the solution is to spell out in the new ordinance exactly what insurance satisfies our intent here.)

- A requirement that the onsite manager of a teen dance club or event, along with the owner or promoter, passes a criminal background check.

- Continuation of the current Teen Dance Ordinance requirement that there be a readmission charge for people who leave and wish to return — this parallels high school event policies that allow no passes out in order to minimize off-site underage drinking.

- Continuation of the current exemption from the Teen Dance Ordinance for activities sponsored the City, schools, and recognized non-profit organizations. This exemption is justified because security for such events as Bumbershoot and high school dances is already extensive.

- And finally, we should continue the current policy that entirely exempts dances from these regulations only if they have 150 or fewer patrons. By raising that limit to 250 patrons as does the All-Ages Ordinance passed Monday, a significant number of effectively unregulated teen night clubs could be created.

Attached is a draft of a youth dance ordinance that includes most of the suggestions I've made here.

Thank you for working with me to make the teenage dance ordinance a much better piece of legislation that opens up entertainment opportunities for kids at the same time.

Very truly yours,
PAUL SCHELL

cc: Music and Youth Task Force Members

Mark Sidran, City Attorney
Chief Gil Kerlikowske, Seattle Police Department.

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

H. Patterson

Subscribed and sworn to before me on

08/28/00

McElvaney

Notary Public for the State of Washington, residing in Seattle