



Legislation Text

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File #: CB 120956, Version: 2

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the regulation of after-hours nightlife lounges; defining after-hours nightlife lounges; establishing operational and safety requirements for such businesses; describing enforcement mechanisms; and adding a new Chapter 10.10 to the Seattle Municipal Code.

WHEREAS, Donald “Donnie” Chin, the director of the International District Emergency Center was shot and killed at approximately 3 a.m. on July 23, 2015, while trying to protect his community from shootings and fight disturbances connected to after-hours nightlife activity in the International District; and

WHEREAS, Nadia Kassa, Jonathan Bishu, and Trevis Bellard were killed and six more were injured at approximately 4:30 a.m. on August 19, 2023, in a shooting at an after-hours nightlife lounge on Rainier Avenue South; and

WHEREAS, Francisco Escatell was killed at approximately 3 a.m. on August 17, 2024, in a shooting inside of an after-hours nightlife lounge in the SODO neighborhood; and

WHEREAS, over the past decade, there have been dozens of shootings and homicides that have occurred in connection with after-hours nightlife lounges that operate between the hours of 2 a.m. and 6 a.m.; and

WHEREAS, the Seattle Police Department reports that nightlife-related shootings, particularly in connection with after-hours nightlife lounges, account for over ten percent of all shootings in the City; and

WHEREAS, some of these after-hours nightlife lounges reportedly serve alcohol without a liquor license from the Washington State Liquor and Cannabis Board; and

WHEREAS, The City of Seattle regulates businesses as an exercise of its police power to protect and preserve the public peace, health, safety, and welfare; NOW, THEREFORE,

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

Section 1. A new Chapter 10.10 is added to the Seattle Municipal Code as follows:

**Chapter 10.10 AFTER-HOURS NIGHTLIFE LOUNGES**

**10.10.010 Definitions**

For the purposes of this Chapter 10.10:

“After-hours nightlife lounge” means a business, nonprofit, or club establishment open between the hours of 2 a.m. and 6 a.m. and whose purposes in those hours include socializing and either smoking or dancing. “After-hours nightlife lounge” does not include businesses whose principal purpose between the hours of 2 a.m. and 6 a.m. is operating as a restaurant; businesses with an all-ages dance license issued under Chapter 6.295; businesses with an adult entertainment premises license issued under Chapter 6.270; or theater and spectator sports facilities as defined in Section 23.84A.010.

"Director" means the Director of Finance and Administrative Services.

“Liquor” has the same meaning as in chapter 66.04 RCW.

“Restaurant” means a food business with an active permit from Public Health - Seattle & King County that operates at the same location for more than 21 consecutive days.

"Written safety plan" means a written document produced by an after-hours nightlife lounge operator that includes at minimum the following information about the lounge:

1. The number and location of all security personnel;
2. The after-hours nightlife lounge’s identification checking and patron search procedures;
3. Procedures for ensuring that only persons 21 years or older are served alcohol;
4. The after-hours nightlife lounge’s procedures for handling violent incidents, other emergencies, and calling the Seattle Police Department;
5. A description of the training provided or completed by security and other personnel, including conflict de-escalation training;

6. The after-hours nightlife lounge's procedures for crowd control and preventing overcrowding; and

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

#### **10.10.020 General provisions**

A. No after-hours nightlife lounge may:

1. Operate without a valid liquor license with an extended hours added activity issued pursuant to chapter 66.24 RCW;

2. Be open between 6 a.m. and 10 a.m.;

3. Sell, give, or otherwise supply liquor to any person between the hours of 2 a.m. and 6 a.m.; or

4. Allow the consumption of liquor on the premises between the hours of 2 a.m. and 6 a.m.

B. An after-hours nightlife lounge shall:

1. Obtain and comply with all other required state and City permits and licenses necessary for operation of the establishment;

2. Employ at least two security personnel during operating hours between 2 a.m. and 6 a.m. to maintain order and ensure compliance with the law. All security personnel must have received formal training in crowd control and event management;

3. Operate video surveillance at each point of entry and maintain all recordings for at least 96 hours;

4. Take steps such as metal detectors, metal-detecting wands, or pat-downs to detect weapons and prevent them from entering the premises; and

5. Prepare a written safety plan:

a. After-hours nightlife lounge operators shall file their written safety plans with the Director, who shall distribute them to the Chief of Police. For existing after-hours nightlife lounges, safety

plans shall be filed within 45 days of the effective date of this ordinance. New after-hours nightlife lounges shall file safety plans no later than the date they open to the public.

b. After-hours nightlife lounges subject to this Chapter 10.10 shall have an updated copy of their safety plan reviewed by personnel employed by the after-hours nightlife lounge. The safety plan shall be made available upon request by City nightlife enforcement staff, patrons, or neighborhood residents.

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

C. All peace officers of the City and the Director shall have free access to public areas of after-hours nightlife lounges when guests, patrons, or club members are present for the purpose of inspection and to enforce compliance with the provisions of this Chapter 10.10.

### **10.10.030 Penalties**

A. A violation of Section 10.10.020 shall constitute a civil violation and shall be enforced by the Director under the citation provisions set forth in this Section 10.10.030.

#### **B. Citation**

1. If after investigation the Director determines that a person has violated or failed to comply with Section 10.10.020, the Director shall issue a citation to the person responsible for the violation. The citation shall include: (1) the name and address of the person to whom the citation is issued; (2) a reasonable description of the location of the property on which the violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date of the violation; (5) a statement that the person cited must respond to the citation within 15 days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due; (8) the name, address, and phone number of the Hearing Examiner where the citation is to

be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this Chapter 10.10; and (10) a certified statement of the Director's representative issuing the citation, authorized by RCW 5.50.050, setting forth facts supporting issuance of the citation.

2. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, three days after the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property and service shall be complete on the date of posting.

C. Response to citation. A person must respond to a citation in one of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation;

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing an address to which notice of such hearing may be sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.

A response to a citation must be received by the Office of the Hearing Examiner no later than 15 days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

D. Failure to respond. If a person fails to respond to a citation within 15 days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

E. Mitigation hearings

1. Date and notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within 30 days after written response to the citation requesting a hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten days before the date of the hearing.

2. Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses shall not be compelled to attend. A representative from the Department may also be present and may present additional information, but attendance by a representative from the Department is not required.

3. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another.

4. Entry of order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to subsection 10.10.030.H. The Hearing Examiner's decision is the final decision of the City on the matter.

#### F. Contested hearing

1. Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 days after the written response to the citation requesting such hearing is received.

2. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 10.10.030. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

3. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail or such defects or imperfections do not prejudice substantial rights of the person cited.

4. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

5. Evidence at hearing. The certified statement or declaration authorized by RCW 5.50.050 shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration authorized under RCW 5.50.050 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 5.50.050 shall also be admissible without further evidentiary foundation. The person cited may rebut the Department evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

6. Disposition. The Hearing Examiner shall determine by a preponderance of the evidence whether the violation occurred. If the Hearing Examiner determines that the violation occurred, the citation shall be sustained and the Hearing Examiner shall enter an order finding that the person cited committed the violation and imposing the applicable penalty. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

7. Final decision. The Hearing Examiner's decision is the final decision of the City.

G. Failure to appear for hearing. Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

#### H. Penalties

1. First violation. The first time a person is found by the Director to have violated Section 10.10.020, the person shall be subject to a penalty of \$1,000.

2. Second and subsequent violations. Any second or subsequent time a person is found by the Director to have violated Section 10.10.020 within a five-year period, the person shall be subject to a penalty of \$5,000.

I. Collection of penalties. If the person cited fails to pay a penalty imposed pursuant to this Chapter 10.10, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

J. Each day a separate violation. Each day a person violates Section 10.10.020 may be considered a separate violation subject to the penalties of this Section 10.10.030.

#### **10.10.040 Additional relief**

The Director may seek legal or equitable relief to enjoin any acts or practices when necessary to achieve compliance, including denial, revocation of, or refusal to renew a business license pursuant to Chapter 6.208.

Section 2. The Director of Finance and Administrative Services (FAS) is requested to transmit:

A. An initial implementation plan describing the intended activities and timeline for implementation of this ordinance to the Public Safety Committee by June 1, 2025; and

B. A annual report detailing the implementation of this ordinance to the Public Safety Committee or successor committee by December 31 of each year. This annual report shall include a description of enforcement activities under this ordinance during the year and the results of those enforcement activities.

Section 3. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Scheereen Dedman, City Clerk

(Seal)