

NIGHTLIFE ESTABLISHMENT HANDBOOK 2008

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City of Seattle
Gregory J. Nickels, Mayor

INTRODUCTION

There are a great many things to consider when starting or expanding a nightlife business in the City of Seattle. This handbook is designed to help you through the "maze" of government rules and regulations involving nightlife establishments. Compiled for you by the Mayor's Office of Film + Music's Technical Assistance Office, this tool is updated regularly to give you the most current information.

We understand you want to begin doing business without delay and there can be a strong tendency to ignore or gloss over government requirements. However, hastiness can result in costly problems for your business in the future. We hope you will consider the information you find here to be integral in your process, and also well worth your time and attention.

Our goal is to put you on the right track to dealing with government agencies while planning, opening and maintaining your nightlife establishment with as much ease as possible. We will connect you with the appropriate offices, organizations and services to help you start, expand and maintain your business. This guide brings together important factual, up-to-date, and easy-to-understand information on running your business in Seattle.

Section I. – Before You Start the Paperwork. We discuss important steps every business owner should take before applying for licenses to operate a nightlife establishment. At the end of this section, you will find a helpful **checklist** to help you stay on track.

Section II. – Business Licenses. We summarize the key business licenses, registrations and permits required by city, county and state agencies, as well as other important requirements relevant to nightlife establishments.

Section III. – City, State and Federal Tax Requirements. This section focuses on City, State and Federal Tax requirements and where to find important tax-related information.

Section IV. – Maintaining Your Nightlife Establishment. Includes tips on maintaining neighborhood relations, neighborhood resources, all-ages dance events, underage performers, safety and security. This section also includes a guide to '**Best Practices**' for night clubs.

Resource Directory - Here you will find alphabetical listings by department for city, county, state and federal agencies, plus listings for various resources including: business support organizations, chambers of commerce, and small business associations. Many of these organizations provide technical assistance and services to small businesses. We encourage you to contact them and take advantage of their important services.

Please Note: The material in this handbook is intended for general informational purposes. While it is current at the time of publication, changes to the Seattle Municipal Code (SMC), state laws, or other regulatory requirements may invalidate some of this information. In the event of a conflict between this guide and the official Law, Rule or Code, the official documents prevail.

Credits

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The Seattle Office of Film + Music wishes to thank the following organizations, whose business assistance resources were instrumental in the development of our program, and this handbook.

- "Planning, Managing and Policing Hospitality Zones: A Practical Guide" Responsible Hospitality Institute, Santa Cruz, CA. 2006.
- "Getting a Business Started: A Guide to Owning a Business in San Francisco" San Francisco Business Commission, San Francisco, CA. 2003.
- "Best Practices for Nightlife Establishments: New York Nightlife Association and NYPD, New York, NY. 2007.

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SECTION I. - BEFORE YOU START THE PAPERWORK

In this section, we discuss the top five things you must consider before applying for the required business licenses, registrations or permits. Failure to consider any of these key elements could result in serious legal and financial consequences down the road. The key elements to consider are city zoning and parking restrictions, state liquor laws, public health requirements, neighborhood impact, and your business plan.

Zoning and Land Use

Before you open a nightlife establishment, you must be sure you can do what you want in the location you want. Understanding the zoning and land use restrictions of your desired location is the first thing you should research. This handbook is provided so you as the business owner can educate yourself prior to opening your business. Do not expect to succeed if you open a restaurant and later decide to operate as a nightclub in a zone that does not allow nightclubs. It is your responsibility to know what is allowed in your zone, the established use of your business, and to operate within those constraints. Failure to research and follow code standards and/or failure to obtain the required permits could mean future penalties or costly code violations, so be certain you have done your homework.

The process for changing or establishing use permits, certificates of occupancy and zoning designations can be lengthy if a site-plan review is required, so allow time to get this process started before you open for business. For example, you can't turn a storefront or warehouse space into an assembly occupancy without significant additions or revisions to the current building and follow-up inspections by the City.

The Department of Planning and Development (DPD) regulates and enforces zoning and land use for the City of Seattle. **DPD's Applicant Services Center** will be your point of entry into the zoning and land use process. Because zoning and land use can be complicated, and because each case is unique, we suggest you contact the Applicant Service Center prior to visiting in person so you know what to bring with you for your initial appointment. Call (206) 684-8850 or visit http://www.seattle.gov/dpd/Permits/Process_Overview/Location_Hours/default.asp.

There are multiple zones where nightlife establishments may operate. Every case is unique and must be analyzed by a DPD zoning/land use specialist. You can research your zoning ahead of time using DPD's online mapping tools at <http://www.seattle.gov/dpd/Research/default.asp>. Here you will find the DPD GIS (beta) feature, which is particularly intuitive and easy to use. You can zoom in on a particular area and view them with different layers of interest (base map area, environmentally critical areas, zoning, aerial views, etc.)

The following are brief descriptions of each zone where nightlife establishments may be allowed:

Residential-Commercial RC Allows certain types of commercial uses at the street-level, within structures that contain at least one dwelling unit. Find details about this zone in the Seattle Municipal Code, Chapter 23.46.

Neighborhood Commercial 1 NC1 A small shopping area that provides primarily convenience retail sales and services to the surrounding residential neighborhood, such as small grocery stores, hair salons, and coffee shops. Restaurants up to 10,000 square feet are allowed in the NC1 zone. Drinking establishments up to 10,000 square feet are allowed in the NC1 zone only when conditional use permits are granted.

Neighborhood Commercial 2 NC2 A moderately-sized pedestrian-oriented shopping area that provides a full range of retail sales and services to the surrounding neighborhood, such as medium-sized grocery stores, drug stores, coffee shops, customer service offices, or medical/dental facilities. Restaurants up to 25,000 square feet are allowed in the NC2 zone. Drinking establishments up to 25,000 square feet are allowed in the NC2 zone only when conditional use permits are granted.

Neighborhood Commercial 3 NC3 A larger pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community, citywide or regional clientele; allowing comparison shopping among a range of retail businesses. Land uses include supermarkets, restaurants, offices, hotels, clothing shops, business support services, and residences that are compatible with the area's mixed-use character. Both restaurants and drinking establishments are allowed in the NC3 zone.

Seattle Mixed SM A zone that provides for a wide range of uses, to encourage development of the area into a mixed-use neighborhood. Find details about this zone in the Seattle Municipal Code, Chapter 23.48.

Commercial 1 C1 An auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods as well as a citywide or regional clientele, such as large supermarkets, building supplies and household goods, and auto sales and repairs. Both restaurants and drinking establishments are allowed in the C1 zone.

Commercial 2 C2 An auto-oriented, primarily non-retail/service commercial area, characterized by larger lots, parking, and a wide range of commercial uses serving community, citywide or regional markets, such as warehouses, wholesale, research and development, and manufacturing uses. Both restaurants and drinking establishments are allowed in the C2 zone.

General Industrial 1 IG1 General and heavy manufacturing, commercial uses, subject to some limits, high impact uses as a conditional use, institutional uses in existing buildings, entertainment uses other than adult, transportation and utility services, and salvage and recycling uses. Both restaurants and drinking establishments are allowed in the IG1 zone.

General Industrial 2 IG2 General and heavy manufacturing, commercial uses, subject to some limits, high impact uses as a conditional use, institutional uses in existing buildings, entertainment uses other than adult, transportation and utility services, and salvage and recycling uses. Both restaurants and drinking establishments are allowed in the IG2 zone.

Industrial Buffer IB Light and general manufacturing, commercial use subject to some limits, some transportation services, entertainment uses other than adult, institutions generally in existing buildings, salvage and recycling uses. Both restaurants and drinking establishments are allowed in the IB zone.

Industrial Commercial IC Light and general manufacturing, commercial use subject to some limits, some transportation services, entertainment uses other than adult, institutions generally in existing buildings, salvage and recycling uses. Both restaurants and drinking establishments are allowed in the IC zone.

Downtown Zones The following zones have complex standards that cannot be easily summarized. Both restaurants and drinking establishments may be allowed in downtown zones. Please check with your DPD zoning specialist to find the information appropriate for each region.

- Downtown Office Core 1 DOC1
- Downtown Office Core 2 DOC2
- Downtown Retail Core DRC
- Downtown Mixed Commercial DMC
- Downtown Mixed Residential DMR
- Pioneer Square Mixed PSM
- International District Mixed IDM
- International District Residential IDR
- Downtown Harborfront 1 DH1
- Downtown Harborfront 2 DH2
- Pike Market Mixed PMM

A complete list and details of DPD [Zoning Classifications](#) are also attached as **Appendix A**. Additional definitions and details can also be found in [SMC 23.30.010](#).

Zoning research should be completed before any remodeling or tenant improvements begin. Determine whether the site already has the appropriate use permits, occupancy, and zoning authorization through Seattle DPD. Zoning maps, permit application process details, status of applications and certificates of occupancy, along with terms & definitions can be viewed online at the DPD website, <http://www.seattle.gov/dpd/>.

For a detailed overview of the permitting process, visit DPD's website at http://www.seattle.gov/dpd/Permits/Process_Overview/Overview/default.asp.

DPD Permit Fees are based on a number of components that depend on the nature and scope of any given project., and final fees are not determined until a permit is issued. If you are applying for a permit and know the square footage and occupancy of what you plan to build/operate, you can calculate an estimate using DPD's Fee Estimator available online at <http://www.cityofseattle.gov/dpd/About/Fees/default.asp>.

For a listing of all DPD centers and services, including phone numbers, web addresses and hours, visit <http://www.seattle.gov/dpd/About/PhoneListHours/default.asp>

Parking

You may be required to provide parking spaces or identify available parking in the vicinity of your nightlife establishment. Parking requirements are also set out in the Land Use code and enforced by DPD. Minimum parking requirements are based on gross floor area, and each business is analyzed on a case-by-case basis. Your DPD Zoning/Land Use Specialist will consult with you regarding potential parking requirements for your establishment.

WA State Liquor License

Research the WA State Liquor License requirements before you apply. A liquor license is an endorsement on your State Master Business License. (see Section II for business license information) Routine liquor license applications can take anywhere from 45 days to several months to process, depending on the complexity of your application. The Washington State Liquor Control Board (“WSLCB”) will provide you with a customized licensing packet when you begin the application process. Call the Licensing and Regulation Division at (360) 664-1600 or visit their website for complete instructions online at <http://www.liq.wa.gov/license.asp>.

Review the WSLCB Handbook for On-Premises Liquor Licensees attached as **Appendix B**, or view it online <http://www.liq.wa.gov/publications/OnPremiseslicenseehandbook.pdf>.

When submitting the WSLCB Addendum to your Washington State Business license, you will be asked to identify the liquor license type you are applying for. (see **Appendix C**) For more detailed information, visit the WSLCB website at http://www.liq.wa.gov/licensing/license_fees.asp.

Keep in mind, you must obtain prior approval from the WSLCB for any change in business ownership pursuant to the requirements set forth in [WAC 314.07.080](#).

Be sure to carefully review City zoning restrictions alongside the requirements of the WSLCB. In every case it is your responsibility to ensure compliance with both City and State laws. For instance, just because you are approved for a liquor license does not automatically mean you can operate in a particular zone.

PLEASE NOTE: The City of Seattle has legal authority to file written objections to either a new liquor license application or the renewal of an existing license. In addition, schools, churches and public institutions also have the option to contest new licensee applications if the establishment is within 500 feet of their entrance.

Public Health, Seattle & King County

All food service within Seattle City limits is regulated by Public Health, Seattle & King County ("Health Department"). Every establishment in the City of Seattle serving hard liquor must also sell food. Prior to applying for licenses to operate your nightlife establishment, you must research and understand the requirements and restrictions of the Health Department and how they will apply to your business. Find information on how to start and maintain a food-serving business in King County on their website at <http://www.metrokc.gov/health/foodsfty/foodbusiness.htm>.

"Public Health is a resource, so come to us with questions. We are happy to assist you in making your establishment safe. It's better to have questions answered ahead of time, than to find out after the fact that plans or improvements are unacceptable."

- Christopher Skilton

Public Health, Food & Facilities Protection

A site plan review is required for all new permits and permits for locations that have been inactive for over six months. To prepare for your first health inspection use the 'Plan Guide for Service Plan Review' check-list, attached as **Appendix D** or download it from the web at <http://www.metrokc.gov/health/foodsfty/documents/plan-guide-PERMANENT.pdf>.

Your Health Department Permit must be renewed annually by March 31st or penalties will accrue.

PLEASE NOTE: A new application must also be submitted to KCPHD for any change of ownership.

For more information on obtaining KCPHD permits, contact the Food & Facilities Program Section of the Environmental Health Division at (206) 296-4632 or visit their website at <http://www.doh.wa.gov/ehp/sf/Food/food.htm>.

Neighborhood Impact

Know the neighborhood where you intend to do business. Developing relationships with your neighbors, both residential and commercial, is critical to your success. Are there other liquor licensed establishments in the area? What is the proximity to your intended location, and how does the neighborhood interact with the other establishments? Any liquor license application requires neighborhood notification, so it is best to start building those relationships as soon as possible. Get to know your neighbors, address their concerns, and maintain these important relationships.

Consider public safety issues: amplified sound, parking proximity and availability, crowd & line control, litter, etc. Residential and mixed-use neighborhoods have heightened concerns where nightlife establishments are located. Also, if you are considering a location that was previously a nightlife establishment or similar business, investigate and make yourself aware of any pre-existing public safety or other concerns pertaining to the location. Research and plan for minimizing any potential negative impact on neighborhood residents and businesses. We cannot stress enough how important it is to do this legwork as far up front as possible.

Amplified Sound

Mediating the impact of amplified sound is extremely important and can be accomplished by installing double entry doors, keeping windows closed while amplified sound is played, or by installing buffering walls and/or ceilings. Have a sound engineer evaluate your premises, and work with you to establish speaker placement, maximum amplification settings, and other noise control options. More detailed information about mediating the impact of Sound and details on the City of Seattle Noise Ordinances can be found later in Section IV, Maintaining Your Nightlife Establishment

Parking

As we mentioned earlier, you may be required to provide or identify nearby parking spaces for your nightlife establishment. Parking in many of Seattle's popular neighborhoods is at a premium, and consideration for neighborhood parking needs is something you will need to consider and possibly mediate. Contact your DPD Zoning/Land Use Specialist regarding potential parking requirements or issues in your neighborhood.

Crowd and Line Control

See the 'Best Practices' list in Section IV.

Neighborhood Business Organizations

Join & become active in your neighborhood business district. We strongly encourage you to join and participate in your local business association, chamber of commerce, neighborhood service center, BIA or any of the community resources available to you in your area. Find information on over 60 of these neighborhood groups on the Office of Economic Development website [here](#), or contact the Film + Music office at (206) 684.8504 for a complete list. You can also research, neighborhood groups and services on the Dept. of Neighborhoods website at www.cityofseattle.net/html/CITIZEN/neighborhoods.

In addition to local neighborhood groups, we also encourage you to join the Greater Seattle Chamber of Commerce (GSCC). The greater Seattle chamber nurtures the entrepreneurial spirit that drives small business owners and is committed to providing programs and services that help you take your business to the next level.

Visit the Chamber website at <http://www.seattlechamber.com> and browse the services offered to business owners in the greater Seattle area, or contact them at (206) 389-7200, info@seattlechamber.com.

Police Precincts

Contact and build a relationship with your local police precinct. Maintaining open communication with SPD is vital to your success as a nightlife business.

SPD operates within a framework that divides the city into five geographical areas called "precincts." These precincts define east, west, north, south and southwest patrol areas, with a police station in each. You can find detailed information and resources from each of the five precincts on their websites, including precinct maps, precinct news, and detailed contact information.

Precinct	Contact Info.
<u>North Precinct</u> 10049 College Way N. Seattle, WA 98133	(206)684-0850 http://www.seattle.gov/police/precincts/North
<u>South Precinct</u> 3001 S. Myrtle Seattle, WA 98109	(206) 386-1850 http://www.seattle.gov/police/precincts/South
<u>East Precinct</u> 1519 12th Ave., Seattle, WA 98122	(206) 684-4300 http://www.seattle.gov/police/precincts/East
<u>West Precinct</u> 810 Virginia St., Seattle, WA 98101	(206) 684-8917 http://www.seattle.gov/police/precincts/West
<u>Southwest Precinct</u> 2300 S.W. Webster, Seattle, WA 98106	(206)733-9800 http://www.seattle.gov/police/precincts/Southwest

Business Plan

A sound business plan and thorough financial analysis are vital to starting and maintaining your establishment. Ensuring adequate staffing, security, training, equipment and the all-important financial cushion will keep you from having to cut corners that result in risky business practices and ultimately may lead to the closure of the business.

Need help creating a business plan? Take a look at the following resources:

- ✚ Seattle Community Capital Development (CCD)
<http://www.seattleccd.com>
CCD is a non-profit community development organization. Among their many services, CCD's Small Business Incubator program offers services to help small businesses grow in healthy sustainable ways. Their comprehensive business assistance program offers consultation services in all aspects of business and financial management including business plan development.
- ✚ U.S. Small Business Administration Business Plan Assistant
<http://www.sbaonline.sba.gov>.

Real Estate: The Triple Net Lease (NNN lease)

At some point in your business plan preparation, you should also familiarize yourself with the concept of a Triple Net Lease (NNN lease). A triple net lease requires the tenant to pay base rent plus a share of the Operating Expenses (OE) for the leased property. Such expenses typically are itemized within the following categories: Taxes; Insurance; Utilities; and CAM (Common Area Maintenance) charges. Lease costs are less predictable for a NNN lease because the landlord provides an estimate of OE each lease year and adjusts for actual expenses at the end of each year. If expenses are greater than estimated, the tenant pays the difference; if expenses are less than estimated, the tenant receives a credit. REO performs CAM reconciliation for NNN leases annually. Such leases are common in the Seattle area, and should be figured into your business plan options.

Real Estate: Contingency Clause

If you are purchasing an existing business, it may be wise to do so contingent upon obtaining a liquor license, necessary permits, and satisfaction of compliance with land use and zoning conditions. There is no guarantee you will be approved for a liquor license, and without confirmation through DPD's permitting process you may not be allowed to operate within the zone where the building is located. When this major financial commitment is on the line, it is always better to be safe than sorry.

Nightclub Safety Plans

In August of 2006, the Seattle City Council passed an ordinance requiring all nightclubs (defined for this purpose as “any business open to the public in which liquor is served between the hours of 10:00 p.m. and 6:00 a.m., except where service of liquor is incidental to an event that is not open to the public; and has a maximum occupancy capacity of two hundred (200) or more people”) to file a written Safety Plan with DEA. A copy of the full Ordinance, including definitions, requirements and penalties, can be found [here](http://clerk.ci.seattle.wa.us/~public/CBOR1.htm) or on the City Clerk’s website, at: <http://clerk.ci.seattle.wa.us/~public/CBOR1.htm> , by querying Ordinance #122474.

If your business is classified as a nightclub by the above definition, you must file a security plan with DEA. There are monetary penalties for non-compliance with this requirement, so be sure to include this in your pre-opening to-do list.

If you have questions about security plans, or need technical assistance with preparing a security plan, please contact the Film + Music office at (206) 684-8504 or by email at rachel.white@seattle.gov.

PLEASE NOTE: The Seattle Fire Code also requires a Fire Safety and Evacuation Plan for any location having an occupant load of 100 or more. For information on submitting your plan to SFD, contact the Fire Marshal’s office at 206-386-1450 or visit their website at <http://www.seattle.gov/fire/pubEd/business/evacuationPlans.htm>

Nightclub Fire Sprinklers

The 2007 Washington State Legislature changed the definition of nightclubs requiring retroactive installation of fire sprinklers, and extended the deadline for compliance to December 1, 2009. Under the new law, the requirement to install fire sprinklers will apply to nightclubs, restaurants, taverns and bars in which **‘the aggregate area of concentrated use space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet (350 Sq Ft), excluding adjacent lobby areas.’** This can be a major cost to your business if it is required and not already in place, so be certain you consult with the Fire Department to determine the status of your location.

To find out whether your business is subject to the nightclub sprinkler requirement, contact the Seattle Fire Marshal's Office at 206-386-1450 or visit their website at <http://www.seattle.gov/fire/FMO/firecode/nightclubSprinklers.htm>.

If your establishment is required to upgrade and install fire sprinklers, and you do not already have a fire service connection to your property, the process will go something like this:

- ✚ You apply for and obtain a Water Availability Certificate (WAC), which is your approval to order water service from Seattle Public Utilities (SPU);
- ✚ You work with a contractor and submit your sprinkler plans to DPD for review and approval by SFD;
- ✚ You work with a contractor and submit your site plan to SPU (customer plans must have the approval of SPU Engineering, which is coordinated by SPU customer service);

- ✚ Once plans are approved, you submit a "Water Service Application and Agreement" to SPU and pay for a percentage of services up front;
- ✚ SPU installs services from the water main to the property line;
- ✚ You coordinate with your contractor and SPU to make connections to the new services at the property line. You are also responsible for all on property plumbing, including the sprinkler system itself.

For personalized assistance, guidance through the process and cost estimates for SPU fire service connection, contact SPU Customer Service at (206) 684-5806.

NIGHTLIFE BUSINESS CHECKLIST

Track your progress by following this step-by-step checklist:

<u>BEFORE YOU APPLY:</u>	<u>COMPLETED</u>
ZONING and LAND USE RESEARCH	_____
RESEARCH YOUR BUILDING OCCUPANCY CLASSIFICATION	_____
RESEARCH THE WA STATE LIQUOR LICENSE & LAWS	_____
RESEARCH PUBLIC HEALTH REQUIREMENTS	_____
CONSIDER NEIGHBORHOOD IMPACT AND RESOURCES	_____
CONSTRUCT A BUSINESS PLAN	_____
RESEARCH FIRE SPRINKLER REQUIREMENTS	_____
CONSULT THE CITY OF SEATTLE NIGHTLIFE BUSINESS TECHNICAL ASSISTANCE PROGRAM at 206.684.8504	_____
<u>LICENSES, PERMITS AND TAXES</u>	
OBTAIN A WASHINGTON STATE MASTER BUSINESS LICENSE (and WA State Liquor License addendum)	_____
OBTAIN A CITY OF SEATTLE BUSINESS LICENSE	_____
RESEARCH AND/OR OBTAIN YOUR CERTIFICATE OF OCCUPANCY	_____
CONSULT WITH FIRE DEPARTMENT and OBTAIN ASSEMBLY PERMIT	_____
OBTAIN A PUBLIC HEALTH PERMIT	_____
OBTAIN SPECIAL USE LICENSES & PERMITS (if applicable) CONSULT TAX PROFESSIONAL, DEA, BIA, etc.	_____

SECTION II. - BUSINESS LICENSES

In this section, you will find resources and information pertaining to the Washington State Business License, City of Seattle Business License, and other City, County or State Licenses, Registrations and Permits that may potentially apply to your business. Familiarize yourself with each type before you begin operating to avoid problems down the line.

WA State Business License

Every Washington State based business entity must apply for and maintain a Washington State Master Business License. There is a \$15 processing fee for the Master Business Application. You must also pay different fees associated with the various State licenses, registrations, or permits you may need for your particular business. For more information, see the License Fee Sheet attached as **Appendix E**, or view it online at <http://www.dol.wa.gov/forms/700031.pdf>.

Applications, explanations of fees and process instructions are available from the State Department of Licensing ("DOL") online at www.dol.wa.gov/business. The DOL website provides information such as business name lookup, online address change, types of business structures, and links to other resources. Check out one of these quick reference resources, the Washington State UBI Resource Guide "Operating a Business in Washington State," attached as **Appendix F**, or online at <http://www.dol.wa.gov/business/operate.pdf>.

Your Washington State Business License must be renewed annually. It is your responsibility to renew on time whether a renewal form is received from the Master License Service or not.

City of Seattle Business License

Any person operating a business within the City of Seattle is required to obtain a City of Seattle Business License in addition to the Washington State Business License. The Seattle business license costs **\$90**, is issued for one calendar year, and must be renewed every year by December 31st. Applications are processed through the Department of Executive Administration ("DEA") via the Revenue and Consumer Affairs Division ("RCA").

To apply for a new business license, contact the City of Seattle RCA by calling (206) 684-8484, by sending an email to: rca.bizlictx@seattle.gov, or by visiting their website at www.cityofseattle.net/rca/licenses/Licmain.

City of Seattle Business License holders may also be subject to a number of different business taxes, which are discussed later in Section III.

In rare instances, the City of Seattle may exercise the option to suspend or revoke a business license. DEA has the authority to suspend or revoke any licensee that is in default of any payment of a license fee or tax, as defined in [SMC 5.55.230](#). Unlawful acts or failure to comply with the provisions of Title 5 and Title 6 of the Seattle Municipal Code may lead to, including but not limited to, business license suspension or revocation and/or civil penalties or criminal prosecution.

Certificate of Occupancy

Before a building or structure can be used or occupied, a Certificate of Occupancy (commonly known as a "C of O") must be obtained from the Seattle DPD. This certificate indicates that the project complies with the regulations for occupancy and activity required by the Seattle Building Code (Section 109). **Be aware: the "use" determined for land use purposes is not the same thing as your "occupancy" for building code purposes.** Assembly occupancies (e.g., theaters, restaurants, bars and nightclubs) require separate certificates. If you make any significant improvements to your establishment before you open or during the course of business, you must consult with DPD to find out if those changes will affect your occupant load. Changes in occupancy classification are not generally permitted until a DPD official has issued a new C of O.

PLEASE NOTE: Before DPD will issue your final C of O, the Seattle Fire Marshal must conduct a final inspection. The Fire Marshal also enforces compliance with your occupant load, and may conduct random inspections to be sure you are complying. (see 'Seattle Fire Department' below)

If you have purchased an existing nightlife business, you should contact Seattle DPD to confirm your establishment has a current C of O on file. If not, you must start the C of O process with DPD and obtain temporary assembly permits as needed from the Fire Marshal's Office. If you are operating in an existing space that has not been previously approved for a "nightlife" use, you may be required to bring the building up to different codes required for the new use.

Call DPD's Applicant Service Center, (206) 684-8850, to determine what plans and documents you should bring with you to start the C of O process, and review the DPD Client Assistance Memo on obtaining a C of O, attached as **Appendix G**.

Seattle Fire Department

The Seattle Fire Department ("SFD") administers fire and life safety regulations for all properties within the Seattle city limits. An Assembly Permit from SFD is required for all establishments with an occupant load of 100 or more. **Permits must also be obtained from the Fire Department for special events, public assembly, outdoor heaters, barbecues, changes in entrances/exits, use of outdoor tents, and a wide variety of other activities where a fire or life safety hazard may exist.** An inspection of your premise may also be required, and these permits must be renewed annually. For a complete listing of SFD Permits and Fees, visit their website at <http://www2.seattle.gov/fire/FMO/permits/permitSearch/SearchbyAllPermit.asp>, or direct any permit related questions to (206) 386-1450.

Temporary Assembly Permits

Let's say you want to have an event with more people than your current permit allows. Temporary assembly permits are required "when conducting an event in which alterations are made to the existing exit configuration, character or use of the facility." SFD administers these permits. The Special Events Section of the Seattle Fire Marshal's Office issues temporary permits and establishes conditions to ensure public safety at large public gatherings. These permits are issued on a one-time basis, so you must re-apply for each event in question. Each business is allowed a limited number of temporary permits per calendar year, so be sure to track them closely. Applications received less than 10 business days prior to the event will be assessed a late

fee of an additional 50% of the original permit fee. Visit the Fire Marshal's website at www.seattle.gov/fire/FMO/permits/permits for more information, and to download application forms.

Enforcement – Occupant Load

The Seattle Fire Department enforces the occupant load for your establishment. In addition to yearly inspections, SFD may conduct random assembly inspections of your premise to ensure you are observing occupant load restrictions. If SFD visits your establishment and determines you have exceeded the occupant load, they will require you to reduce your occupant load to the maximum number allowed and may issue a notice of violation. You will be required to maintain the occupant load at or below the maximum allowed going forward.

Should SFD determine that you need to calculate and post your occupant load (POL) in order to satisfy the requirements for your assembly permit, you should consult with the Technical Assistance Office at 206.684.8504 or Rachel.white@seattle.gov, to be sure you make accurate calculations to comply with this requirement.

Public Education Resources

The SFD Public Education Section is responsible for fire prevention education and outreach services. They provide fire prevention and preparedness assistance to the City's business community. Resources for developing fire emergency plans and for training staff are available free of charge for a variety of occupancies.

Please take the time to review the resources provided in the Business Services section of SFD's public education resources at <http://www.seattle.gov/fire/pubEd/business/businessServices.htm>. Should you need further assistance or have questions regarding the information presented online, contact the Public Education Office via email at fireinfo@seattle.gov.

King County Public Health

Any establishment serving food or beverages must maintain a King County Public Health permit, AND every establishment in the City of Seattle serving hard liquor must also sell food. All food service within Seattle City limits is regulated by the King County Public Health Department ("KCPHD"). A new application for a health permit must be submitted to KCPHD for all new businesses and for any change of ownership, and must be renewed annually. A site plan review is required for all new permits and permits inactive for over six months. To prepare for your first health inspection, use the 'Plan Guide for Service Plan Review' check list (see **Appendix D**), or download it from the web at <http://www.metrokc.gov/health/foodsfty/documents/plan-guide-PERMANENT.pdf>. For more information on obtaining KCPHD permits, contact the Food & Facilities Program Section of the Environmental Health Division at (206) 296-4632 or visit their website at <http://www.doh.wa.gov/ehp/sf/Food/food.htm>.

Special Use Licenses & Permits

Keep in mind, there may be additional requirements for your unique business that are not covered in this section. For clarification of your individual circumstances, consult the appropriate departments, your legal advisor or both.

All-Ages Dance License

An All-Ages Dance License is required for anyone operating an all-ages dance of 250 or more patrons, and for all persons operating an all-ages dance venue. This license is not required when fewer than 250 patrons are admitted, or if the dance is sponsored by an accredited educational institution. Learn more about all-ages dance and underage performers in Section IV, Maintaining Your Nightlife Establishment. There is a \$120 fee for this license which must be renewed annually by September 30th. See [SMC Chapter 6.295](#).

Tobacco Retailer's License

Anyone selling cigarettes or other tobacco products in the State of Washington must obtain either a Washington State Cigarette Retailer's License, or a Tobacco Products Retailer License. All sales and distribution of tobacco products are regulated by the State Liquor Board. For more information on these licenses and how to obtain them, contact the WSLCB at (360) 664-1600 or online at <http://www.liq.wa.gov/tobacco.asp>.

Amusement Device License

An Amusement Device is any machine or device which provides recreation or entertainment for which a charge is made for use of play. This includes, but is not limited to, pool and billiard tables, shuffleboards, music machines, video games, pinball games, and riding devices. Exemptions may apply, and fees vary. This license must be renewed annually by November 30th See [SMC Chapter 5.32](#)

Gambling License and Registration

You must obtain a license from the WA State Gambling Commission to conduct gambling activities or similar fundraising events in the state of Washington pursuant to [RCW Chapter 9.46](#). Information can be found online at www.wsgc.wa.gov, or by calling (800) 345-2529.

In addition, a nightlife establishment intending to conduct any amusement games, bingo and raffles, punch boards and pull tabs, and social card games or any other gambling activities must register for gambling activity with Seattle DEA, Revenue and Consumer Affairs Division prior to commencement of such activity pursuant to [SMC 5.52](#). Details can be found online at <http://www.seattle.gov/rca/taxes/GamblingTax.htm>.

Sidewalk Café

A sidewalk café is an open-air, non-permanent fenced seating area on a public sidewalk used by patrons of eating and drinking establishments, where items consumed by patrons are provided by an eating/drinking establishment on the adjoining property. New sidewalk cafés require a DPD land use permit **and** a street use permit from the Seattle Department of Transportation (SDOT). DPD processes and collects all initial fees related to Sidewalk Café permits. Annual review is conducted and invoiced by SDOT. Review the DPD Client Assistance Memo on applications for sidewalk cafés on the web at <http://www.seattle.gov/dpd/news/20070131c.asp>, or attached as **Appendix H**.

Generally, the process for obtaining a Sidewalk Café permit goes like this:

- Step 1 – Visit DPD and SDOT to discuss project specifics and possible issues.
- Step 2 – Obtain a project number by submitting a preliminary application to DPD.
- Step 3 – Submit a Sidewalk Café application to SDOT when you receive your DPD project number. SDOT may contact you during this time to work out any issues.
- Step 4 – SDOT Plan review and comments will then be forwarded to you and to DPD. DPD then contacts you to schedule a Land Use Intake appointment.
- Step 5 – Land use intake meeting will take place with SDOT, followed by a two-week public-notice period, which can be extended two additional weeks by public request.
- Step 6 – The DPD decision will be issued and you will be contacted by a DPD representative to remit final fees and discuss details of issuance.

PLEASE NOTE: You must also contact your local WSLCB enforcement officer to obtain approval for alcohol service in sidewalk cafés.

Street Vendors

Street vendors, including hot dog carts or other food vendors, must obtain a street use permit which requires the permission of abutting property owners and businesses. These permits are issued and regulated by SDOT. Certain types of street vending are also allowed in the vicinity of Safeco Field and the Seahawks Stadium during events. All other vending is illegal, except on private property. Contact the Street Use Annual Permits department at the Seattle DOT, 206-684-5267.

PLEASE NOTE: Street vendors serving food must also maintain a valid permit from the Public Health Department.

SECTION III. – CITY, STATE AND FEDERAL TAX REQUIREMENTS

City of Seattle Tax Requirements

From the inception of your business, you should employ the services of a licensed tax professional to guide you through the exciting world of tax liabilities. Brief descriptions of local tax liabilities that may affect nightlife businesses are listed below.

Detailed information about these or any other City of Seattle taxes, along with information on tax exemptions, can be found online in the Guide to Seattle's Business License & Taxes at: www.cityofseattle.net/rca/taxes/taxmain.htm. This information should always be confirmed by consulting your tax professional.

PLEASE NOTE: Failure to pay any required City of Seattle tax may result in suspension or revocation of your Seattle business license: Pursuant to Seattle Municipal Code, DEA has the authority to suspend or revoke any licensee that is in default of any payment of a license fee or tax. Unlawful acts or failure to comply with the provisions of [SMC Title 5](#) and [SMC Title 6](#) may lead to penalties including but not limited to license suspension, revocation and/or civil penalties or criminal prosecution. The authority to suspend or revoke a business license is defined in [SMC 5.55.230](#)

For questions about any of the City of Seattle tax requirements, contact the DEA at (206) 684-8484 or by email at: rca.bizlictx@seattle.gov.

BUSINESS LICENSE (B & O) TAX

Nightlife establishments that engage in business within the City of Seattle are subject to the Business License Tax (B & O Tax) pursuant to [SMC 5.45.050](#). If gross receipts do not exceed \$80,000 in a calendar year, no business license tax is due. If gross receipts exceed \$80,000 in a calendar year, the business license tax is levied at proscribed rates. A business license tax form must be filed whether or not tax is due. For classifications and rates, please visit <http://www.seattle.gov/rca/taxes/Classifications.htm>. Revenue from the B & O tax is distributed to the City's General Fund which funds basic City services, such as police, fire, libraries, and parks.

ADMISSIONS TAX

Nightlife entertainment establishments that charge a fee, cover charge or ticket price for admission including complimentary tickets, are required to pay the 5% admission tax. Admission tax is often overlooked by business owners, resulting in significant penalties. It is in your best interest to educate yourself, your staff and your event promoters on these requirements.

Admissions tax is paid by the customer, to be held in trust by the person/promoter collecting the admission charges, and paid to the City as provided by law, pursuant to [SMC 5.40.020 H](#).

A copy of the rule on approved methods of counting, record keeping, tracking of complementary admissions, and clarification on responsibility to collect and remit is attached as **Appendix I** Ultimately, you as the business owner are responsible for payment. Consult your tax advisor to find out if you qualify for an exemption from this particular tax pursuant to [SMC 5.40.025](#).

PLEASE NOTE: There are very specific restrictions on collecting admissions or donations for benefit shows or events, fundraising events, and/or non-profit sponsored events. According to Seattle Municipal Code, "It is unlawful for any person to request a donation or contribution that effectively represents an admission charge at any event unless the event is held by an exempt organization pursuant to [SMC 5.40.025](#). Donations or contributions requested by such organizations that would otherwise be subject to the admission tax... are not subject to the tax; provided, that people are admitted or allowed to remain in attendance without payment of such donation or contribution and the signage, invitation, advertisement, notice or other literature related to the event contains a statement, conspicuously posted, that such donation or contribution is not required for the privilege of entering, attending, or remaining in attendance at the event." ([SMC 5.40.020\(JJ\)](#))

Exempt organizations such as non-profits must be licensed and recognized by the City, and they must obtain a certificate of exemption from DEA prior to the event. As the business owner, you are responsible for ensuring that any benefit/fundraising/non-profit sponsored events have obtained the appropriate exemption from DEA. Otherwise, you may be held responsible for paying the admissions taxes.

For general information regarding the admissions tax, and instructions on how to obtain a Certificate of Registration or Certificate of Exemption, please visit <http://www.seattle.gov/rca/taxes/ADMITAX/AdmissionsTax.htm> or contact the Revenue and Consumer Affairs information number, (206) 684-8484 and request an Admissions Tax Inspector. The admissions tax is applied to the General Fund, with 20% annually distributed to the Office of Arts and Cultural Affairs.

EMPLOYEE HOUR S TAX

Nightlife establishments that engage in business within the Seattle city limits are subject to the employee hours tax. The employee hours tax is in addition to the City's business and occupation tax. Calculation of the tax is based upon the number of employee work hours performed within the Seattle city limits. Find information regarding the employee hours tax, rates, computation, tax credits and exemptions at: <http://www.seattle.gov/rca/taxes/EmployeeHoursTax.htm>, or view the full text of code [SMC Chapter 5.37](#). All revenue from the employee hours tax is distributed to the Seattle Transportation Fund.

SQUARE FOOTAGE TAX

The square footage business tax applies to businesses located in Seattle and is based on the amount of square feet used to conduct business activities. The square footage business tax is computed by applying tax rates against the square footage of a business. All businesses located within Seattle that are subject to the business license tax will be subject to the square footage business tax. However, Seattle businesses that do not ship goods or provide services outside of Seattle are entitled to a 100% credit of the square footage tax. This would include Seattle businesses such as restaurants, banks, barbershops. Consult your tax professional, and find information on the square footage tax, rates, computation, tax credits and exemptions at: <http://www.seattle.gov/rca/taxes/SquareFootageTax.htm>. Like the B & O tax, revenue from the square footage tax is distributed to the City's General Fund which funds basic City services, such as police, fire, libraries, and parks.

GAMBLING TAX

Any nightlife establishment intending to conduct any amusement games, bingo and raffles, punch boards and pull tabs, and social card games or any other gambling activities must register for gambling activity with DEA, Revenue and Consumer Affairs Division prior to commencement of such activity pursuant to [SMC 5.52](#). Details can be found online at <http://www.seattle.gov/rca/taxes/GamblingTax.htm>. Revenue from the gambling tax is also distributed to the City's General Fund.

Reminder: You must also register gambling activity with the State [Gambling Commission](#). See Section II, Licenses.

BUSINESS IMPROVEMENT AREAS [BIA]

A BIA provides a source to fund improvements in neighborhood business districts by assessing property and/or business owners who benefit from the improvements. BIA funds can be used for services such as parking, joint marketing, cleanup and maintenance, security, special events, beautification, and management and administration. The City contracts with an agency to manage each BIA and each BIA has a ratepayer's advisory board. The City collects the assessments and reimburses the Agency for BIA expenses.

Currently, BIAs are operating in [Broadway/Capitol Hill](#), [West Seattle](#), [International District/Chinatown](#), [Pioneer Square](#), [University District](#), and the [Downtown Seattle Association](#).

- [The BIA Handbook](#) - Provides a reference book for current and potential BIAs
- [City of Seattle BIA Directory](#) - Directory of current BIAs in Seattle and City of Seattle staff
- [City of Seattle Council Resolution 29706](#) lays out the City of Seattle's policy to encourage and support the establishment of BIAs.
- [Washington State RCW Chapter 35.87A Parking and Business Improvement Areas](#) is the state statute allowing BIAs.

WA State Tax Requirements

For information on State Business Taxes including classifications, rates, filing & reporting, frequencies & due dates, deductions, late fees, etc., visit the State Department of Revenue website at <http://dor.wa.gov/content/home> or contact them at 1-800-647-7706. Be sure to consult your tax professional as well.

Federal Tax Requirements

For information on Federal Taxes including classifications, rates, filing & reporting, frequencies & due dates, deductions, late fees, etc., visit the IRS website at www.irs.gov/businesses/index. You can also consult the IRS Small Business and Self-Employed One-Stop Resource, online at <http://www.irs.gov/businesses/small/index.html>. Again, be sure to consult your tax professional.

Notification Requirements

Notify all licensing/permitting departments, and comply with departmental requirements regarding change of ownership, change of location, additional business locations, and change of business name.

Congratulations!
You are well on your way to growing
a successful nightlife business in Seattle.

SECTION IV. - MAINTAINING YOUR NIGHTLIFE ESTABLISHMENT

Maintaining Neighborhood Relations

Staying active in your community and building relationships with your neighbors is something that requires a bit of extra work on your part, but there is no doubt it will benefit you in the long run.

In addition to attending local community meetings, joining and contributing to neighborhood associations, and communicating with both neighborhood business owners and local law enforcement, it is critical to stay aware of potential negative impacts your business may have on your immediate neighbors. In the long run, staying involved with neighboring business owners and residents is beneficial to all parties, and vital to maintaining a vibrant nightlife.

Be sure the area surrounding your immediate premise is kept clear and free of litter or cigarette butts. Implement a no tolerance policy where code of conduct is concerned, and be sure that code is enforced both inside and outside your immediate premises. Consider the safety of your neighborhood, not just the safety of your immediate premise, as vital to the success of your business.

KNOW YOUR NOISE ORDINANCES

The general rules on public nuisance noise can be found in [SMC 25.08.500](#). "It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer... or any employee of the Department of Planning and Development authorized by the Director of that Department." Unreasonable noise" shall include but is not limited to the following sounds or combination of sounds:

- Loud or raucous, and frequent, repetitive, or continuous sounds created by use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, or a sound amplifier or other device capable of producing, amplifying, or reproducing sound.

- Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified or unamplified human voice between the hours of ten (10:00) p.m. and seven (7:00) a.m.

For complete definitions and rules on Noise Control, see [SMC 25.08](#).

In December, 2007, the City Council passed [Noise Ordinance #122614](#). This new nightlife ordinance states that "it is unlawful for any person in possession of real property, other than residential property, to allow to originate from that property between the hours of ten (10:00) p.m. and seven (7:00) a.m. amplified noise that is plainly audible to a person of normal hearing when measured inside a receiving dwelling unit."

Currently, the City is working to promulgate the rules specified in the ordinance, and is scheduled to begin enforcing this ordinance in June of 2008.

Mediating the impact of amplified sound is extremely important and can be accomplished by installing double entry doors, keeping windows closed while amplified sound is played, or by installing buffering walls and/or ceilings. Have a sound engineer evaluate your premises, and work with you to establish speaker placement, maximum amplification settings, and other noise control options. To evaluate and monitor your own output, consider purchasing a sound meter. If possible, choose a meter that is American National Standards Institute (ANSI) rated Type I or II. Type 1 is used for precision measurements in the field, and Type 2 is used for general-purpose measurements. For compliance purposes, readings with an ANSI Type 2 sound level meter and dosimeter are considered to have an accuracy of ± 2 dBA, while a Type 1 instrument has an accuracy of ± 1 dBA

KNOW YOUR LIQUOR LAWS

When it comes to State Liquor Laws, there are several ways violations may be enforced. Violations may be issued via direct inspections by liquor enforcement officers, in response to police reports or in response to citizen complaints. Law enforcement, liquor officers and regulatory agencies such as the fire and health departments have the right to inspect your premises for violations.

Types of conduct prohibited on a liquor licensed premises can be found at [WAC 314-11-050](#).

Employees under 21 yrs old

A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter. Persons between eighteen and twenty-one years of age may perform certain duties as proscribed by Washington law. (see [WAC 314-11-040](#))

Performers as Employees

Washington State Law prohibits any liquor licensee, or employees of a licensee, from consuming liquor of any kind while working on the licensed premises. ([WAC 314-11-015](#)) This includes all public spaces such as behind the bar, in general assembly areas, in a DJ booth or on stage.

According to Washington State case law, any performers or DJs contracted to provide a service in liquor establishments are considered employees of the establishment and are therefore prohibited from consuming alcohol while performing that service either on stage or in a DJ booth. For more information on this law and its implications for your business, contact the WSLCB at (360) 664-1600 or via their website at <http://www.liq.wa.gov/>.

KNOW YOUR SMOKING LAW:

Washington State Law (RCW 70.160) prohibits smoking in all workplaces including bars and restaurants. Public Health has issued the following guidance notice in regards to smoking restrictions in King County: Smoking is prohibited in all indoor areas of nightlife establishments. In addition, smoking is prohibited in any area under the control of an employer where employees must pass through during the course of their employment, where alcohol is permitted, on any portion of a building (including decks, patios, rooftops, etc), and within 25 ft of a window, door, or air-intake to an indoor area.

Nightlife business owners are encouraged to be mindful of their neighbors when determining where to direct people to smoke. In order to prevent unintentional violations of the smoking ban, ashtrays and other smoking paraphernalia should never be placed within 25 ft of any protected area.

For more information on this law and it's implications to your business, contact Public Health Seattle & King County at smoking.concern@kingcounty.gov or by phone at 206-296-7613.

KNOW YOUR LOCAL RESOURCES

Seattle Nightlife & Music Association

The Seattle Nightlife & Music Association ("SNMA") is a coalition of music, nightclub, and bar interests. The association seeks to provide nightlife customers a safe and vibrant nightlife, protect music venue, bar, and club owner's rights, respond to proposals which impact the industry, support local communities, and promote responsible music venue, bar, and club management.

SNMA is an important resource for nightlife business owners. They provide members with an invaluable connection to their community. Contact the SNMA via their website at www.seattlenma.org, by phone at 206-624-7022 or by email at rachel@seattleNMA.org.

Neighborhood Business Organizations

Research neighborhood associations, chambers of commerce, community organizations and neighborhood service centers or block watches at the Dept. of Neighborhoods website <http://www.seattle.gov/neighborhoods/>, the Office of Economic Development at http://www.seattle.gov/economicdevelopment/support_map.htm, or by calling the Film + Music office at (206) 684-8504.

WA State Restaurant Association (WRA) – Seattle Chapter

The WRA, which includes an Education Foundation, responds to member needs by providing a variety of programs that help businesses succeed. This includes educational classes, such as food safety and alcohol server training, and many business assistance programs, such as a workers' compensation program, health insurance and financial and legal consultation.

In addition to these programs, the WRA provides government relations services. The association directly represents members through lobbying efforts with the state Legislature and has one of the most sophisticated and effective grassroots lobbying organizations in the state. Learn more about the [Seattle Chapter](#) on the WRA website, <http://www.wrahome.com>.

Maintaining Safety & Security

As you are undoubtedly aware by now, Nightlife hospitality businesses have many more regulatory and enforcement agencies to comply with, are subject to more oversight and inspections, and face greater risk of liability than the average business. Your best strategy for maintaining safety & security is to develop and maintain a comprehensive risk management program and strategy.

The terms “safety” and “security” are often used interchangeably to describe the concept of protection from injury, danger and loss. However the practical applications of safety and security are guided by different principles in achieving this goal.

The provision of **safety** necessitates the prevention of potential risks and hazards through precautionary tactics. Safety measures often address environmental stimuli that may encourage excessive consumption of alcoholic beverages, contribute to violent or aggressive behavior in patrons, or interfere with an economically viable business.

In contrast, **security** tactics can be characterized as more reactionary than precautionary in nature. The primary role of security staff within an establishment is usually to survey the crowd’s conduct and to confront intoxicated and/or aggressive patrons.

Generally, people act in a way that is irresponsible for one of three reasons: They don’t know the rules or boundaries; they know of but don’t know how to follow the rules or boundaries; or they know how but don’t care. Effective management requires an understanding of these basic principles and works to support all three types.

Ongoing training of service, security, and management staff is crucial to the effective implementation of policies and procedures. Selecting the proper training requires an understanding of risk, the level of training required, appropriateness of curriculum to the needs of the business, qualifications of the instructors, and the integrity of the agency or organization providing the training.

When determining the level of training your service staff and/or security staff require, first consider your level of risk. For example, the Responsible Hospitality Institute offers the following risk level categories:

Low Level	A low risk business is one that serves alcoholic beverages as a secondary source of revenue, depending primarily on food sales. These businesses typically do not have a separate lounge area, rarely or never provide entertainment, have limited seating under 100 people, owner available during most or all business hours, may cater to older clientele, may make beverages available only with food, and may have early closing hours.
Medium Level	A medium risk business depends more on the sale of alcoholic beverages but still maintains a higher percentage of food sales. Generally there is a separate lounge area, entertainment may be provided, clientele varies depending on time of day or day of week, and there is a relatively low amount of staff turnover.

High Level	A high risk business has beverage sales that exceed food sales, caters to young or heavy drinking clientele, is generally accessible by automobile, usually by traveling on highways or interstates, and typically does not have direct owner involvement in management. Typically staffed and managed by young or inexperienced individuals, experiencing high turnover and offering low compensation. These businesses depend on high volume at a few select times such as weekend nights, otherwise the business has low or no volume of sales.
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SEATTLE POLICE DEPARTMENT: SECURITY TRAINING FOR NIGHTLIFE EMPLOYEES

The Seattle Police Department offers a Security Training Program with classes open to the public several times a year. These classes are not just for security personnel. Security training is imperative for individuals who work physical security or screen patrons at the door. It is also extremely beneficial to any employee who regularly interacts with your clientele. Maintaining a highly-trained staff, ready to deal with difficult situations, is vital to the safety of both your patrons and your employees. We hope you will take advantage of this important opportunity. Contact The Seattle Police Security Training Coordinator at (206) 684-8661.

HIRING OFF-DUTY SEATTLE POLICE OFFICERS

Department policy prohibits, under any circumstances, Seattle Police from working for or on behalf of establishments that sell or dispense intoxicating beverages. This policy is in place to prevent any actual or perceived conflicts of interest.

However, SPD recognizes that under certain conditions, the augmentation of on-duty officers with the presence and services of off-duty officers may enhance public safety in specific areas. Areas with a high concentration of liquor establishments have the opportunity to join together and work closely with SPD to provide additional security officers to specifically defined areas.

SPD may grant permits for the employment of off-duty SPD officers, in a secondary employment capacity, to business associations meeting eligibility requirements and agreeing to be bound by specific terms and conditions. Applications are considered on a case-by-case basis.

Review a sample agreement, terms and conditions, and a sample application form attached as **Appendix J**. Questions and additional information about this opportunity should be directed to the SPD Audit, Accreditation and Policy Section at (206) 684-4116.

All-Ages Dance and Underage Performers

ALL-AGES DANCE

If a liquor licensed premises is open to the public for food service, and not restricted to minors, minors must be off the entire premise after 11pm if there is live entertainment. If the liquor licensee obtains an exception to this restriction, through the WSLCB, then all-ages shows are permitted only when minors may not be present in or have access to any area where they have access to alcohol. There must be an established system for keeping alcohol away from minors – such as restricting alcohol service and consumption inside a lounge area, and not allowing it into the restaurant or live entertainment area.

For dedicated all-ages events or venues where no alcohol is served, performers of any age are allowed at all times during regular operating hours. The City of Seattle requires you to have a license for all-ages dance. See the 'Special Licenses and Permits' section of Section II.

Instituting a 'no re-entry' policy is strongly encouraged when holding all-ages events. This eliminates the possibility of underage patrons leaving, only to return intoxicated after consuming alcohol off-premises. You are still responsible for an intoxicated person on your premises, even if they drank outside. This includes an intoxicated minor on your premises during an all-ages event regardless of where that minor consumed the alcohol.

There are special concerns when a 21+ venue holds an all-ages show, and a special license is required as well. Consultations regarding all-ages events are encouraged and can be arranged through the Nightlife Technical Assistance Program. If you would like further information on policies and procedures for conducting all ages shows, including how to stage and monitor separation of 21+ from underage patrons, please contact the Film + Music Office at (206) 684-8504.

UNDERAGE PERFORMERS IN 21+ ESTABLISHMENTS

Performers 18 and older are allowed to play in 21+ liquor licensed venues. State Law dictates that underage performers cannot be present in a venue where alcohol is being served at any time prior to their set, during breaks, or after playing their set.

Performers 17 and under are not allowed in 21+ venues to perform at any time for any reason (unless it is an all-ages show as explained above). The RCW addressing this issue can be found here <http://apps.leg.wa.gov/RCW/default.aspx?cite=66.44.316>.

RCW 66.44.316 specifically provides:

"It is lawful for: (1) Professional musicians, professional disc jockeys, or professional sound or lighting technicians actively engaged in support of professional musicians or professional disc jockeys, eighteen years of age and older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment as musicians, disc jockeys, or sound or lighting technicians;..."

Hiring underage musicians doesn't have to be a hassle if you take a controlled approach. ID every band member and clearly stamp or wristband both 21+ and underage performers so staff can clearly identify them. You may be able to provide a designated area where there is no access to alcohol, but if that is not possible your staff will be able to easily recognize who should not be present in areas where alcohol is being served. Either way, be consistent in implementing your plan in order to remain in compliance with liquor laws.

NIGHT CLUB– BEST PRACTICES

The goal of this section is to assist nightlife business owners in maintaining safe bars, nightclubs and lounges by offering suggestions for different types of security measures, both indoors and out.

These guidelines were developed in cooperation with Seattle Police and law enforcement entities from other jurisdictions, as well as input from Seattle community members. We thank the many contributors who offered their experience and advice.

The suggestions listed here are meant as a general road map for operations, not as a list of laws applicable to all establishments or to all situations. Using your best judgment and keeping these suggestions in mind could help decrease the number of public safety incidents attributable to your business.

Employees

- ✚ Perform background and reference checks of all employees. At a minimum you can obtain a simple criminal conviction background check via the Washington State Patrol for a \$10 fee. Request online at <https://watch.wsp.wa.gov/> or contact the State Patrol at (360) 534-2000.
- ✚ Ensure that staff is trained to maintain clear stairways, exit routes, and aisles at all times.
- ✚ See that Shift Managers and/or Supervisors are responsible for checking all emergency exits at the beginning of shift AND for making sure that exits remain clear and unlocked for the duration of their shift.
- ✚ Train security staff to complete incident reports or log entries for every Security, Police, Injury, Use of Force, or other Public Safety incident that occurs in or around your immediate premises. If possible, obtain an SPD incident report number.

Event Promoters

- ✚ Hiring event promoters with a valid business license and professional references is in your best interest. Be sure to check their references and check out other events they may be promoting to see what they are about. Look for previous events where related public safety incidents may have occurred. You place your business at risk by turning it over to an unlicensed, inexperienced or unscrupulous promoter, so be sure to do your research.
- ✚ Be aware of how and where events will be advertised, and do not allow excessive promoting of events.
- ✚ Always require a written, fully executed contract with your event promoter. Work with your legal counsel to draft a contract that addresses issues of staffing, security, ID and weapons screening, occupancy, over-service, drugs & contraband, finances, and admissions tax. **You, the business owner, are liable for these items. Without a contract and a clear agreement with your promoter, you could be left high and dry.** Liability stays with you and your club, so keep your investment safe by maintaining control at all times.

- ✚ Never allow a promoter or their staff to control ID checking at the door, the clicker, the bar, or collection of the cover charge. While it is a promoter's job to get as many people through your door as possible, **you are liable for occupancy limits, contraband, weapons, behavior, levels of intoxication, admissions tax, etc.**
- ✚ Be sure you communicate the admissions tax requirement to your promoter and that an agreement is in writing prior to the event. As the business owner, **you** are responsible for payment of this tax. If you choose to allow someone other than your staff to collect entry fees, it is still your responsibility to collect and pay the 5% admissions tax. (see Section III re admissions tax requirements)

Age Verification

- ✚ Age Verification & ID Policy: Whether to use scanners or black lights is up to the establishment, but experience has shown that clubs where scanners are used have far fewer issues with bad IDs at entry. All door staff should be aware of policies like types of acceptable vs. unacceptable ID, what to do when encountering fake ID. Policies should be clear and consistent, and strictly enforced. Again, keep the line moving as smoothly as possible and ensure that a problem solver is always near the door to deal with issues.

Policies

- ✚ Keep permits, licenses and registrations up to date and readily available.
- ✚ Line Queues: If you regularly have line queues for entry into your establishment, designating security staff to walk the line can be an effective deterrent against disruptive and/or illegal activity. Line security are tasked with assessing intoxication, reviewing dress code, ensuring line queues are not encroaching on other properties or businesses, monitoring smokers & littering, maintaining the 5 feet sidewalk clearance required by the ADA, and monitoring line mixing between cars and patrons. Patrons who fail to meet dress code, violate the code of conduct, appear intoxicated or have a prior record should be removed as soon as possible to avoid incidents.
- ✚ VIP Line Queues: VIP lines and special entry privileges can create problems and are generally discouraged by law enforcement entities. If you decide to grant VIP entry privileges, it is essential to keep lines moving quickly, and to be sure VIPs do not impede the progress of your general admission line queue. Have a VIP approver readily available at the door to avoid conflict, and be sure the ID policy is strictly enforced.
- ✚ Dress Code: If there is a dress code for your club, post it clearly at the entrance and see that it is strictly enforced. Door staff should be well versed in dress code and able to articulate requirements if you choose not to post it outside the door. Patrons who will not be admitted due to dress code violations should be intercepted and informed of the policy as soon as possible before they reach the door.

- ✚ Code of Conduct: Post a Code of Conduct prominently inside and outside your club. Ensure your staff knows the code and enforces it consistently, without exception. Patrons who violate the code should be removed immediately. If patrons resist or situations escalate, security staff should call for SPD assistance immediately. Contacting SPD for assistance will not be held against a club, and should be encouraged.
- ✚ Re-Entry Policy: Allowing re-entry without strict monitoring can lead to problems such as over-occupancy and over-consumption off premises. For these and other reasons, re-entry policies are discouraged. If you allow exiting for smoking, consider designating a secured or controlled area for this purpose. If re-entry is allowed, it is critical to require that every patron be re-screened and bags checked upon re-entry. Many violent incidents could be avoided if patron re-screening is maintained consistently and thoroughly. Remember, you are still responsible for an intoxicated person on your premises, even if they drank outside. This includes an intoxicated minor on your premises during an all-ages event regardless of where that minor consumed the alcohol.
- ✚ Over-service: Liability for over-service of alcohol rests on you, the business owner. The State Liquor Board standard says any person “apparently under the influence” of alcohol should not be served. All employees should be trained and aware of WSLCB standards regarding appropriate service of alcohol and recognition of signs of intoxication.

If you have a recurring over-service problem, consider new policies like:

- 1) limiting the number of drinks an individual can purchase as closing time approaches,
- 2) eliminating late-night sales of shots or straight alcohol,
- 3) eliminating late-night happy hour discounts,
- 4) offering incentives to servers and security staff for identifying over-intoxicated patrons, or
- 5) consider offering ‘free cover’ coupons to diffuse anger of patrons who are cut-off.
- 6) instead of announcing last call, simply stop serving alcohol when bar time is up.

- ✚ Occupancy: Have a clear policy on counting patrons, and be sure to enforce it consistently. At a minimum, establishments regularly reaching their occupancy capacity should use both in and out clickers. You must decide how to count smokers who exit and re-enter, and be consistent. The best practice would be a “no re-entry” policy or possibly charging a re-entry fee for patrons who insist on exiting the premises. It is in your best interest to keep people inside, patronizing the business, and limiting access to any weapons or contraband that may be kept in vehicles.
- ✚ Outdoor Seating: By law, any area where alcohol is being consumed must be staffed which means NO SMOKING in these areas. In addition, the 10 pm noise restriction applies to outdoor seating or deck areas. Monitoring noise from patrons outside smoking, as well as noise from music being played inside, is the management’s responsibility.

- ✚ Emergency Plans: Be sure all employees are trained and aware of emergency exits and procedures. Institute a procedure by which to return bankcards, coats and other personal property to patrons in the event of evacuation for fire or other emergencies. If a police incident is occurring in the immediate area of your establishment, either use alternate exits to protect patrons from dangerous situations or keep patrons inside until you can confirm it is safe for them to exit. Consult with the Seattle Fire Department if you are unsure how to implement an emergency plan for your establishment.
- ✚ Rolling Close: One highly effective way to reduce crowd related incidents is to institute a rolling closure policy. Consider reducing volume, tempo and/or energy of music, along with gradually raising the lighting level as closing time nears. Make 'last call' announcements several times to encourage crowd dispersal. Wait until the crowd begins to disperse before turning lights up all the way. **While all liquor must be pulled by 2 am, you can stay open longer to allow for a gradual clearing out of patrons.** Be sure all alcoholic drinks are picked up by 2 am. Some clubs have had luck with continuing to serve water after alcohol has been pulled, and by allowing the crowd to disperse on its own, particularly when occupancy is near or at capacity.

Security

It is imperative that all security personnel be thoroughly trained by a qualified organization. We encourage you to send your staff through SPD's updated security training program. It is a day long training that is inexpensive and will provide your staff with valuable information. (see page 30 for details)

- ✚ Weapons / Contraband Screening: Whether you decide to use wands, pat-downs, purse checks, or another form of screening, be sure there is no confusion about your policy. Maintaining clear, consistent enforcement is imperative. Weapons of any kind have no place in your business, and firearms of any kind are prohibited by law inside of any liquor establishment in the State of Washington. Establishments have a duty to call 911 when weapons are discovered, in case of injuries and medical emergencies, or when any criminal activity is discovered. You may be liable for any criminal activity that occurs as a result of failure to report. Whether or not these instances are reported to police, an internal record should be kept at the very least.
- ✚ Staff Uniforms: Whether it is a shirt or jacket, consistency in identifiable club employees, security, and door staff is imperative for crowd control. Ensure that your staff are aware of each position's responsibilities, and provide clear and concise job descriptions.

Particularly, Security staff should all be easily identifiable in "Security" marked shirts or jackets. If you choose to employ plain-clothes security, they should not take action unless identifiable security staff is present, or if it is a dire emergency. In such instances, they should clearly identify themselves as security before engaging patrons "hands on."

- ✚ Floor Roamers: Assign dedicated employees to roam the club, bathrooms, VIP areas, etc. Experienced, well-trained security staff will mediate and diffuse situations before they escalate.

- ✚ Security Staffing: In addition to entry security personnel (ID checks, weapon checks, line queues) it is crucial to have enough security staff monitoring your patrons inside. For high volume nightclubs, a ratio of 1 security per 50 patrons as a starting point, but there is no magic number.
- ✚ Security Staff Equipment: Special consideration should be given to the equipment your security staff will use:
 - 1) Firearms: Only licensed, private, outside security personnel are allowed to carry firearms, and never inside your premises.
 - 2) Flashlights: Security staff should carry relatively small high-powered flashlights in lieu of the Mag-Light style which are heavier and might become a dangerous weapon or be turned against security personnel.
 - 3) Handcuffs / Restraints: When properly used, handcuffs are the safer option for restraining patrons prior until SPD assistance arrives.
 - 4) Pepper Spray (OC): If you choose to outfit security staff with pepper spray, you must make it clear that under no circumstances should anyone discharge pepper spray inside your premises. Widespread panic and injury is inevitable as a result of indoor pepper spray use. If security determines pepper spray is warranted, it should only be discharged outdoors and away from exits or ventilation ducts. Certain types of pepper spray are not allowed, so consult with SPD before you authorize use by security personnel. For further information about pepper spray and its reaction when used with tasers, see the linked article from [Law Officer Magazine](#).
- ✚ Two-way Radios: Internal radio usage is up to the establishment, and highly recommended, particularly if crowds consistently top occupancy limits. Security staff and management should be in constant contact, ready to resolve problems before they escalate. In addition, be in contact with other neighboring clubs to let them know when an unruly patron has been removed from your premises.
- ✚ CCTV: While there are no requirements for security camera monitoring, taking this measure protects you as much as it protects your patrons and assists law enforcement. Establishing a pattern of good practice is key. Consider cameras to monitor entrances, exits, and any other sensitive or problem areas. CCTV systems should have at least one week to a month of footage before they over-write, and any footage that exists must be immediately given over to law enforcement if requested for incident investigation.
- ✚ Lighting: If you have crowd control issues, it may help to bring up the lighting levels inside your establishment. Consider raising levels on the dance floor, in lounge areas, restrooms and entryways.
- ✚ Theft: Theft is one of the most reported incidents by patrons to nightlife establishments. Encourage patrons to check their coats and bags to prevent theft. Ensure that control and order are maintained in the coat check area at all times, especially at closing. Keep records of thefts occurring in your club for your protection as well as the protection of your patrons.

- ✚ Outdoor Monitoring: If your outdoor areas are a problem or you deal with repeated incidents outside your establishment, you might consider installing outdoor monitoring systems , extra lighting and posting signs clearly stating that patrons are being monitored in those areas.
- ✚ Parking Lots: If you have a parking lot, you are liable for this space and it is considered your premises. Your parking lot should be monitored by personnel or by CCTV at all times when your patrons may be present. Be sure sufficient lighting is in place to assist security in monitoring these areas. In particular, it is essential to monitor parking areas to prevent patrons from drinking in or around vehicles prior to entry or re-entry.
- ✚ Conflict Management: Clear policies and training on conflict management are imperative to your security plan. Institute an “Ask. Tell. Make.” Policy, (Ask them to correct the behavior; Tell them to correct the behavior; Make them comply) and be sure it is enforced consistently. If patrons refuse to comply or become combative, staff should immediately call for SPD. Calls for SPD assistance made in good faith and for the protection of patrons and neighbors alike, will not be counted against the establishment. Likewise, if you fail to call 911 to report a public safety incident you may be liable for that failure.
- ✚ Major Events: Invest in your patrons’ safety; hire additional outside security when you plan major events involving larger than normal crowds. Also, report large scale events to SPD ahead of time and/or request more frequent patrols if you anticipate the need for increased crowd control outside your establishment.
- ✚ SPD Trespass Agreement: You can request that SPD remove any problem offenders from your premises if you maintain a signed Trespass Agreement with the Seattle Police. This allows criminal charges to be filed if they return and are reported by you.
- ✚ SPD Relations: Meet with SPD Precinct representatives as often as necessary to discuss operational issues, solutions to common problems, neighborhood trends, security concerns, etc.
- ✚ Patron Removal Records: When at all possible, keep a record of patrons who are removed from your establishment, with photographs if possible.

Post-Incident Law Enforcement Interaction

- ✚ Crime Scene Evidence: Safeguard any evidence that may be connected to criminal activity, and maintain the integrity of any crime scene. It is a crime in itself to destroy evidence, or to interfere with the investigation of a crime.
- ✚ Court / Detective Contact: Cooperate fully with any investigations taking place in or relative to your establishment. When incidents occur, be sure your staff is instructed to cooperate with investigations. It is a condition of your WSLCB Liquor License that you cooperate with any law enforcement investigatory request.
- ✚ Security Video: Audio, video or photos of any unlawful conduct should be identified and provided to law enforcement when requested.

RESOURCE DIRECTORY

CITY OF SEATTLE

<p>CITY CLERK'S OFFICE 600 4th Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728 http://www.seattle.gov/leg/clerk/clerk.htm Phone: 206-684-8344</p>	<p>EXECUTIVE ADMINISTRATION (DEA) 700 5th Ave, Suite 4300 Seattle, WA 98104 http://www.seattle.gov/executiveadministration/ Phone: 206-684-0987</p>
<p>DEA, REVENUE AND CONSUMER AFFAIRS DIVISION (RCA) 700 5th Ave, Suite 4250 Seattle, Washington 98104 http://www.seattle.gov/rca/ Phone: 206-684-8484</p>	<p>OFFICE of ECONOMIC DEVELOPMENT (OED) 700 Fifth Avenue, Suite 5752 Seattle, WA 98124-4708 http://www.cityofseattle.net/economicdevelopment/ Phone: 206-684-8090</p>
<p>OFFICE of FILM + MUSIC (F + M) Nightlife Technical Assistance Program 700 5th Ave., Suite 5752 Seattle, WA 98124-4708 http://seattle.gov/filmandmusic/ Phone: 206-684-8504</p>	<p>FIRE DEPARTMENT (SFD) 301 2nd Avenue South Seattle, WA 98104 http://www.seattle.gov/fire Phone: 206-386-1400</p>
<p>FIRE MARSHALL (FMO) (Fire Prevention Division of SFD) 220 3rd Avenue South Seattle, WA 98104 http://www.seattle.gov/fire/FMO/fmo.htm Phone: 206-386-1450</p>	<p>NEIGHBORHOODS (DON) 700 5th Avenue, Suite 1700 Seattle, WA 98104 http://www.seattle.gov/neighborhoods/ Phone: 206-684-0464</p>
<p>PLANNING AND DEVELOPMENT (DPD) 700 Fifth Ave., Suite 2000 P.O. Box 34019 Seattle, WA 98124-4019 http://seattle.gov/dpd/ Phone: 206-684-8850</p>	<p>SEATTLE PUBLIC UTILITIES (SPU) Commercial Services 810 3rd Avenue, Suite 2777 Seattle, WA 98104 http://www.seattle.gov/util/ Phone: 206-684-5806</p>
<p>SEATTLE POLICE DEPARTMENT (SPD) 610 Fifth Ave., P.O. Box 34986 Seattle, WA 98124-4986 http://www.seattle.gov/police/ Phone: 206-625-5011</p>	<p>TRANSPORTATION (SDOT) PO Box 34996 Seattle, WA 98124-4996 http://www.seattle.gov/transportation/ Phone: 206-386-1218</p>

STATE OF WASHINGTON

DEPT. OF LICENSING (DOL) PO Box 9020 Olympia, WA 98507-9020 http://www.dol.wa.gov/ Phone: 360-902-3600	DEPT. OF REVENUE (DOR) 2101 4th Ave, Suite 1400 Seattle, WA 98121-2300 http://dor.wa.gov/content/home/ Phone: 206-956-3000
LIQUOR CONTROL BOARD (WSLCB) PO Box 43075 3000 Pacific Avenue SE Olympia, WA 98504-3075 http://www.liq.wa.gov/ Phone: 360-664-1600	LIQUOR CONTROL BOARD (WSLCB) Seattle Enforcement Office 4401 E. Marginal Way S. Seattle, WA 98134 Phone: 206-464-6094
WA STATE PATROL (WSP) Headquarters & Communications 2803 156th Ave SE Bellevue, WA 98007-6523 Phone: (425) 649-4370 Seattle North Detachment 811 E Roanoke Seattle, WA 98102 Phone: (206) 720-3040 Seattle South Detachment 15666 International Blvd Seattle, WA 98188-6523 Phone: (206) 439-3830 http://www.wsp.wa.gov/index.htm	GAMBLING COMMISSON (WSGC) 4565 7th Ave. S.E Lacey, WA 98503 http://www.wsgc.wa.gov/ Phone: 360-486-3440

KING COUNTY

PUBLIC HEALT H DEPT. – SEATTLE & KING COUNTY (KCPHD)
401 5th Ave., Suite 1300
Seattle, WA 98104
<http://www.metrokc.gov/health/>
Phone: 206-296-4600

FEDERAL GOVERNMENT

**IRS – SMALL BUSINESS AND SELF EMPLOYED
ONE-STOP RESOURCE**
915 Second Ave.
Seattle, WA 98174
<http://www.irs.gov/businesses/small/>
Phone: 206-220-6015

ASSOCIATIONS

SEATTLE NIGHTLIFE & MUSIC ASSOCIATION (SNMA)

311 1st Avenue S, Suite 318

Seattle, WA 98104

<http://www.seattlenma.org/>

Phone: 206-624-7022

WASHINGTON RESTAURANT ASSOCIATION

510 Plum Street SE, Suite 200 | Olympia, Washington 98501

<http://www.wrahome.com/index.cfm>

Phone 800-225-7166, Local 360-956-7279

APPENDIX – See separate .pdf document