

SHB 1401 - H AMD 171

By Representative Simpson

ADOPTED 03/09/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW
4 to read as follows:

5 The building code council shall adopt rules by December 1, 2005,
6 requiring that all nightclubs be provided with an automatic sprinkler
7 system. Rules adopted by the council shall consider applicable
8 nationally recognized fire and building code standards and local
9 conditions.

10 By December 15, 2005, the council shall transmit to the fire
11 protection policy board copies of the rules as adopted. The fire
12 protection policy board shall respond to the council by February 15,
13 2006. If changes are recommended by the fire protection policy board
14 the council shall immediately consider those changes to the rules
15 through its rule-making procedures. The rules shall be effective
16 December 1, 2007.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27 RCW
18 to read as follows:

19 As used in this chapter:

20 "Nightclub" means an establishment, other than a theater with
21 fixed seating, which is characterized by all of the following:

22 (1) Provides live entertainment by paid performing artists or by
23 way of recorded music conducted by a person employed or engaged to do
24 so;

25 (2) Has as its primary source of revenue (a) the sale of beverages
26 of any kind for consumption on the premises, (b) cover charges, or (c)
27 both; and

28 (3) Has an occupant load of one hundred or more where the occupant

1 load for any portion of the occupancy is calculated at one person per
2 ten square feet or less, excluding the entry foyer.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27 RCW
4 to read as follows:

5 No building shall be constructed for, used for, or converted to,
6 occupancy as a nightclub except in accordance with this chapter.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 84.36 RCW
8 to read as follows:

9 (1) Prior to installation of an automatic sprinkler system under
10 sections 1 through 3 of this act, an owner of property may apply to the
11 assessor of the county in which the property is located for a special
12 property tax exemption. This application shall be made upon forms
13 prescribed by the department of revenue and supplied by the county
14 assessor.

15 (2) As used in this chapter, "special property tax exemption" means
16 the determination of the assessed value of the property subtracting,
17 for ten years, the increase in value attributable to the installation
18 of an automatic sprinkler system under sections 1 through 3 of this
19 act.

20 (3) The county assessor shall, for ten consecutive assessment years
21 following the calendar year in which application is made, place a
22 special property tax exemption on property classified as eligible."

23 Correct the title.

EFFECT: Changes the definition of "nightclub" to include: (1)
Establishments that provide recorded music as well as live
entertainment; (2) establishments that have as their primary source of
revenue the sale of any kind of beverages, not just alcoholic
beverages; and (3) establishments for which cover charges are the
primary source of revenue. The definition of "nightclub" does not
include theaters with fixed seating. The role of the liquor control
board is eliminated. A special property tax exemption is allowed for
a period of ten years following installation of an automatic sprinkler
system pursuant to this act. December 1, 2007, is the effective date
of the new rules to be adopted by the state building code council with
input from the fire protection policy board.

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