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ORIGINAL

ORDINANCE NO. 1566

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING VARIOUS PROVISIONS OF CHAPTERS 5.20, 5.22, AND 5.56, RELATING TO CABARETS, PUBLIC DANCE HALLS, AND TOW TRUCKS, RESPECTIVELY, TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF LICENSES ISSUED UNDER THE SAID CHAPTERS AND TO ELIMINATE THE REQUIREMENT FOR COUNCIL APPROVAL OF EACH INDIVIDUAL LICENSE.

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WHEREAS, the Redmond Municipal Code currently requires the City Council to approve each license for a cabaret, public dance hall, and tow truck business, and

WHEREAS, the City Council has determined that the licensing process for these businesses should be administrative in nature, and that the requirement for City Council approval of each individual license should be eliminated, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Cabarets. Sections 5.20.030 and 5.20.031 of the Redmond Municipal Code are hereby amended to read as follows:

5.20.030 Application.

- A. Application for any such license shall be submitted by the applicant at least thirty (30) days prior to the first dance. The applicant shall submit an application in writing to the City Clerk upon such forms as the Clerk may prescribe. In addition to any other information requested on the form, the applicant shall state the name and place of residence of the applicant, the address and description of the premises

to be licensed, and the dates, times, and number of dances to be held.

- B. All applications shall be referred to the Police Chief who shall conduct an investigation as to the truth of the statements contained therein and investigate all other matters pertaining to the criteria for license approvals set forth in Section 5.20.031. The Police Chief shall report the results of such investigation to the City Clerk, as well as the Police Chief's other findings as to whether the criteria for obtaining a cabaret license have been met.

5.20.031 License - Criteria for Approval - Reapplication - Appeals.

- A. The Clerk shall grant a license unless the Clerk finds that one or more of the following conditions exist:

(1) The building, structure, equipment or location of the business for which the license is sought does not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire and safety laws of the state, King County, and the City, or other requirements of this Chapter;

(2) The applicant or any of the applicant's officers, directors, partners, operators, employees or any other person involved in the operation of the dance or dance hall has been convicted within the last five (5) years of:

(a) A felony involving a crime of violence (as defined in RCW 9.41.012(2) as it now exists or is hereinafter amended) or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 69.50; or

(b) A crime involving prostitution, promoting prostitution, prostitution loitering or lewd conduct.

- B. Any applicant denied a license may reapply and be granted a license if the applicant can show that the basis for such denial no longer exists.
- C. An applicant may appeal the determination of the City Clerk to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days from the date of notice of denial. The notice of appeal shall contain a statement of the reasons for the appeal. Failure to file a timely notice of appeal shall result in a waiver of any right to appeal.

Section 2. Public Dances and Dance Halls. Sections 5.22.030, 5.22.040, 5.22.050, 5.22.055 and 5.22.060 of the Redmond Municipal Code are hereby amended to read as follows:

5.22.030 License - Exemption and Waiver of Payment.

- A. A license is not required under this Chapter if the dance is conducted by a public and/or private school licensed by the state, or by the City.
- B. The City Clerk shall have the right to waive the requirement of payment of the license fee in the case of any dance open to the public which, in the opinion of the City Clerk, is conducted for a charitable purpose or will otherwise result in a substantial benefit to the community and which merits waiver of the fee. Application for a fee waiver shall be made no less than thirty (30) days prior to the date of the dance for which the license is sought.

5.22.040 License - Application.

- A. Applications for any license pursuant to this Chapter shall be submitted in writing to the City Clerk upon such forms as the Clerk may prescribe at least thirty (30) days prior to the first dance. In addition to other information requested, application forms shall contain the name and place of residence of the applicant, the address and

description of the premises to be licensed and the time and date of the dance or dances to be held.

- B. All applications shall be referred to the Police Chief who shall conduct an investigation as to the truth of the statements contained therein and investigate all other matters pertaining to the criteria for license approval set forth in Section 5.22.050. The Police Chief shall report the results of such investigation to the City Clerk, as well as the Police Chief's other findings as to whether the criteria for obtaining a public dance license have been met.

5.22.050 License - Criteria for Approval - Reapplications.

- A. The City Clerk shall grant a license unless the Clerk finds that one or more of the following conditions exist:

(1) The building, structure, equipment or location of the business or dance for which the license is sought does not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire and safety laws and ordinances of the state, King County and the City, or the requirements of this Chapter;

(2) The applicant or any of the applicant's officers, directors, partners, operators, employees or any other person involved in the operation of the dance or dance hall has been convicted within the last five (5) years of:

(a) A felony involving a crime of violence (as defined in RCW 9.41.010(2) as it now exists or as hereafter amended) or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 69.50; or

(b) A crime involving prostitution, promoting prostitution, prostitution loitering or lewd

conduct, or assault on a juvenile.

- B. Any applicant denied a license may reapply and be granted a license if the applicant can show that the basis for such denial no longer exists.
- C. Applications for renewal of a license issued under this Chapter shall be processed and considered according to the criteria for initial issuance of the license.

5.22.055 Conditions Upon Issuance of License - Review of Operations.

- A. At the time of granting a license or license renewal pursuant to this Chapter, the City Clerk may impose such conditions as the Clerk finds necessary to adequately protect the public health, safety and general welfare.
- B. The City Clerk shall review the operations of all public dance halls approximately six (6) months after commencement of business to determine whether additional revised conditions are needed in order to prevent incompatibility with surrounding land uses or to protect the public welfare. The licensee shall be given notice of all proposed additional conditions and an opportunity to discuss the conditions with the City Clerk.

5.22.060 Appeal from Denial for Conditions.

- A. When the City Clerk refuses to grant a license, or grants a license with conditions, the City Clerk shall notify the applicant in writing of the same and shall inform the applicant of his right to a hearing before the City Council. The applicant shall exercise the right to a hearing by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the notice of denial or conditions. The notice of appeal shall contain a statement of the reasons for the appeal.

- B. If the applicant timely files a notice of appeal, the applicant shall be afforded a hearing before the City Council at which time the applicant shall be afforded an opportunity to show that the conditions imposed are without merit or that the reasons for denial of the license do not justify the denial. After the hearing, the City Council shall determine whether the applicant has shown reason to revise the conditions or to issue the license and shall make its final decision.

Section 3. Tow Trucks. Sections 5.56.060, 5.56.080 and 5.56.170 of the Redmond Municipal Code are hereby amended to read as follows:

5.56.060 License - Fee. Every application shall be referred to the Police Chief or the Police Chief's designee who shall investigate the applicant, and if satisfied with his qualifications, advise the City Clerk that a license be issued. Upon the advice of the Police Chief, the City Clerk shall, upon receipt of the annual license fee, issue an original license which shall expire on December 31 of the year in which the original license is issued. After this original license expires, the Police Chief may, provided all of the applicant's qualifications remain valid, approve annual renewal licenses which shall expire on December 31st of the year in which the renewal license is issued. An annual license fee shall be established by Council Resolution for each vehicle to be operated, and a separate license shall be required for each vehicle, describing the specifically licensed vehicle.

5.56.080 License - Approval. If the Police Chief shall find from his investigation and from the information obtained that the applicant is a financially responsible person, the bona fide owner of the vehicles for which the licenses are sought, has met all of the requirements of this Chapter, that the vehicles are safe and equipped with valid state licenses, that they are properly bonded for the protection of the public as required by the motor vehicle laws of the state, and that the convenience and necessity of the City

will be promoted by granting such applicant one or more licenses, then the Police Chief shall grant the license or licenses applied for.

5.56.170 License - Grounds for Revocation.

The grounds for the revocation of a license issued hereunder are as follows:

- A. The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application.
- B. The licensee, his agent, or representative has offered to pay or has paid directly or indirectly a gratuity or a reward to any person not a bona fide employee of the operator for furnishing information as to the location of a disabled vehicle.
- C. If any employee of the City or any of its departments has any interest, whether as an owner or operator, partner, employee, or otherwise, directly or indirectly, in the business of an operator licensed under this Chapter.
- D. If any operator or employee fails to report to the police department any calls received to remove a vehicle from the scene of an accident without notification to the police department.
- E. Interception by the licensee or any employee thereof of police calls by short wave radio or otherwise, or monitoring of short wave messages not specifically directed to the operator or his employee for the purpose of going to the scene of accidents.
- F. Failure to keep records or issue receipts as required by this Chapter.
- G. Failure to maintain full service or any misrepresentation of availability of service, when called.
- H. The charging of rates in excess of those provided for in this Chapter.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after this ordinance or a summary thereof consisting of the title is published.

APPROVED:

*Doreen Marchione*  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

*Doris A. Schaible*  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY *Tom C. Martin*

FILED WITH THE CITY CLERK: 5-10-90  
PASSED BY THE CITY COUNCIL: 5-15-90  
PUBLISHED: 5-20-90  
EFFECTIVE DATE: 5-25-90  
ORDINANCE NO. 1566