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ORIGINAL

ORDINANCE NO. 1319

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE LICENSING AND REGULATION OF PUBLIC DANCES AND DANCE HALLS, REPEALING CHAPTER 5.24 AND ADDING A NEW CHAPTER 5.22 TO THE REDMOND MUNICIPAL CODE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Redmond City Council finds that unregulated public dance halls contribute to the problems associated with runaway children, alcohol and drug abuse by children; and

WHEREAS, the Redmond City Council finds that the regulations set forth in this ordinance will help prevent the operation of public dance halls from contributing to such problems and that these regulations are necessary to protect the public health, safety and welfare, now, therefore,

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

Section 1. Chapter 5.24 of the Redmond Municipal Code entitled "Public Dances and Dance Halls" is hereby repealed.

Section 2. A new Chapter 5.22 entitled "Public Dances and Dance Halls" is hereby added to the Redmond Municipal Code to read as follows:

5.22.010 Definitions. For the purpose of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

- A. "Public dance" means any dance that is open to the public and which: (1) is conducted for a profit, direct or indirect; or (2) requires a monetary payment or contribution from the persons admitted. The term "Public Dance" does not include a banquet, party or celebration conducted for invited guests which is not open to the public.
- B. "Dance hall" means any place or premise where a public dance is conducted, including but not limited to all hallways, bathrooms and all adjoining enclosed areas accessible to the public during the dance.
- C. "Person" includes one or more natural persons, corporations, partnerships or unincorporated associations or other forms of business organization.
- D. "Police Chief" means the Redmond Police Chief or his designee.

- E. "Fire Marshall" means the Redmond Fire Marshall or his designee.

5.22.020 License Required - Fee - Renewals.

- A. It is unlawful for any person to conduct a public dance within the City of Redmond without first having obtained and being the holder of a valid and subsisting license for such activity, to be known as a public dance license; provided, however, that any holder of a valid and current cabaret license shall be exempt from the license provisions of this chapter. The annual fee for a public dance license is \$250.00.
- B. The entire annual license fee shall be paid for the applicable calendar year regardless of when the application for license is made, and shall not be prorated for any part of the year except that if the original application for license is made subsequent to June 30th, the license fee for the remainder of that year shall be one-half of the annual license fee. Annual license renewals shall be obtained and paid in full by January 1st of each calendar year.
- C. There shall be assessed and collected by the Clerk an additional charge computed as a percentage of the license fee, on renewal applications not made, including payment of the required fee, on or before January 31st of each calendar year as follows:

<u>Days Past Due</u>	<u>Additional Percentage Of License Fee</u>
7-30	25%
31-60	50%
61 and over	100%

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 of Washington, or by the City of Redmond.
- B. The City Council 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 Council, is conducted for a charitable purpose or will otherwise result in substantial benefit to the community and which merits waiver of the fee. Application for a fee waiver shall be made no less than thirty days prior to the date of the dance for which a 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 Chief of Police shall report to the City Council the results of such investigation, as well as his 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 Council shall grant a license unless it finds that one or more of the following conditions exist:
- 1) The building, structure, equipment or location of the business or dance for which 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 of Washington, King County, and the City of Redmond, 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 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 Council may impose such conditions as it finds necessary to adequately protect the public health, safety and general welfare.
- B. The City Council shall review the operations of all public dance halls approximately six months after commencement of business to determine whether additional or 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 be heard concerning the conditions.

5.22.060 Appeal from Denial or Conditions

- A. When the City Council 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 within 10 days of the date of the notice by filing a written notice of appeal which contains a statement of the reasons for the appeal with the City Clerk.
- 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 Council shall determine whether the applicant has shown reason to revise the conditions or to issue the license and shall make its final decision.

5.22.062 Security Personnel Required

It shall be the obligation of every person licensed under this Chapter to insure that an adequate number of qualified security personnel are employed and in attendance during and following each public dance as is necessary in order to maintain order and insure compliance with the laws of the State of Washington and ordinances of the City of Redmond.

5.22.063 Litter Control - Security for Cleanup

- A. Prior to issuance of any public dance license a cash security deposit in the amount of \$200 shall be submitted to the City Clerk as security for the cleanup of all litter resulting from any public dance authorized by the license. In the event the licensee fails to clean up all litter on any public or private property which results from any public dance conducted by the licensee within twenty-four hours of the end of the dance, the City may cause such litter to be cleaned up and pay the costs of the clean up out of the security funds. In the event the cost of the clean up exceeds the amount of funds on deposit, the licensee shall pay such excess costs.
- B. In the event funds are expended out of a security deposit required by this Section, the licensee shall, within five days of receipt of notice of such expenditure, submit the amount necessary to replenish the security fund to the amount of the full security deposit. No renewal license shall be issued unless the full amount of the security deposit for litter clean up is on deposit with the City at the time of the application for renewal.
- C. Upon termination of all activities authorized by a public dance license and clean up of all litter resulting from such activity, the remainder of all funds deposited as security for litter clean up shall be refunded to the licensee, without interest.

5.22.066 Loitering on Premises Prohibited

It shall be the obligation of each person issued a license under this Chapter to prevent loitering of all persons on

the premises of the dance hall, including all parking lot and driveway areas used by patrons of the dance hall. "Loitering" shall not include walking between the entrance to the public dance and parked vehicles, nor shall it include the act of waiting in line to gain admission to the dance.

5.22.070 Revocation or Suspension of License

- A. After giving notice to the licensee of the right to a hearing pursuant to the procedures set forth in Section 5.22.060, and conducting a hearing if a timely request is filed, the City Council may suspend or revoke any license issued pursuant to this chapter where one or more of the following conditions exist:
- 1) The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the Clerk;
 - 2) The building, structure, equipment or location of the business or dance for which the license was issued 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 of Washington, King County, and the City of Redmond, or the requirements of this chapter;
 - 3) 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 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.
 - 4) The licensee or his employee, agent, partner, director, officer or manager has knowingly allowed or permitted:
 - 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 to occur in or upon the dance hall premises;
 - b) A crime involving prostitution, promoting prostitution, prostitution loitering or lewd conduct, or assault on a juvenile to occur in or upon the dance hall premises;
 - c) Any unlawful act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the dance hall premises; or
 - d) The dance hall premises to be used as a place in which unlawful solicitations for sexual

intercourse, sodomy, oral copulation or masturbation occur; or

- e) The possession or consumption of liquor by persons under the age of twenty-one years, in or upon dance hall premises; or
 - f) The giving or supplying of liquor to any person under the age of twenty-one years; or
 - g) The use by any person in or upon the dance hall premises of marijuana, cocaine or any other controlled substance (as defined in RCW 69.50.101(d) as now exists or as hereafter amended) not prescribed by a licensed physician for use by the person possessing or using the substance.
 - h) Violation of any condition placed upon a license issued pursuant to this chapter, of this ordinance, or of any other applicable law or ordinance, which the City Council finds constitutes an unreasonable interference with surrounding land uses or is otherwise unreasonably detrimental to the public welfare.
- B. If the City Council finds that any of the conditions set forth in Section 5.22.070 of this Chapter exists and that the existence of such condition constitutes a threat of immediate and serious injury or damage to person or property, and in the case of conditions which may be eliminated by the licensee, that notice of the conditions has been given to the licensee and at least 24 hours have expired without the elimination of such conditions, the City Council may immediately suspend any license issued under this Chapter without prior opportunity to be heard, in which event the licensee shall be entitled to appeal the decision to the City Council in accordance with Section 5.22.060 of this chapter. The notice of immediate suspension of license given pursuant to this subsection shall include a statement of the conditions found to exist that constitutes a threat of immediate and serious injury or damage to persons or property, and shall also inform the applicant of his right to appeal within ten (10) days of the date of the notice by filing a written notice of appeal which contains a statement of the reasons for the appeal with the City Clerk.
- C. Revocation of any license issued under this Chapter shall be accomplished pursuant to Section 5.22.070.

5.22.072 Age Restrictions.

- A. No person conducting a public dance or maintaining a public dance hall shall allow persons under the age of sixteen years to enter or remain in the dance hall without a parent or legal guardian present.
- B. It is the responsibility of the person conducting and/or operating a public dance to require identification showing the age of each person admitted. A valid Washington State Drivers License or photo identification card issued by the Washington State Department of Licensing shall be the only acceptable forms of proof of age.

C. Every person who knowingly or recklessly allows a person to enter or remain in violation of this section shall be guilty of a misdemeanor.

D. Any person who affirmatively misrepresents his or her age to obtain admission to or permission to remain in any public dance in violation of this chapter shall be guilty of a misdemeanor.

5.22.073 Hours of Operation

No public dance to which any person under the age of 18 years may be admitted shall be conducted past the hour of 12:00 midnight on any school night, nor past the hour of 2:00 a.m. on any other day. For the purpose of this Section, the term "school night" means any night preceding a day upon which public schools within the City of Redmond are scheduled to operate as of the time of commencement of the dance.

5.22.074 Public Dance - Readmission Fee.

No person conducting or operating a public dance or public dance hall shall permit any person, other than an employee, to leave the dance or dance hall and return unless that person pays a readmission fee equal to the original price of admission.

5.22.076 Access - By Police and Fire Officers.

All police officers of the City of Redmond and/or the Chief of Police and the Fire Marshall shall have free access to public dances and dance halls when a dance is being conducted, for the purpose of inspection and to enforce compliance with the provisions of this chapter and other applicable City, County and State health, zoning, building, fire and safety ordinances and laws.

5.22.078 License Limited to License and Location.

Any license issued under the provisions of this chapter shall apply to a single licensee and to a single location only and shall not be transferable to other locations or to other persons.

5.22.080 Applicability.

All public dances within the City of Redmond shall be regulated by the provisions of this chapter, regardless of whether a public dance license or business license was obtained from the City prior to or after the effective date of the ordinance codified in this chapter.

Section 3. 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 4. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force thirty (30) days after the date of publication.

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 Jay C. Martin

FILED WITH THE CITY CLERK: April 30, 1986
PASSED BY THE CITY COUNCIL: June 3, 1986
SIGNED BY THE MAYOR: June 5, 1986
PUBLISHED: June 8, 1986
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ORDINANCE NO. 1319