

9-17-85
0856c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3547

AN ORDINANCE providing for the licensing and regulation of dance halls that admit persons under the age of eighteen; providing minimum age restrictions; requiring licenses for operating public dances and public dance halls; providing penalties for noncompliance; and adding a new Chapter 5.06 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 5.06 regulating public dances and public dance halls that admit persons under the age of eighteen is hereby added to Title Five of the Bellevue City Code to be entitled "Public Dances".

Section 2. A new section 5.06.010 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.010. Purpose of Chapter.

This chapter is an exercise of police power for the protection of the public welfare, health, and safety of those children that attend and patronize dance halls. The City Council hereby finds and declares that the problems of runaway children, drug abuse and abuse of children are pervasive and of such magnitude that they are a matter of City concern and are contributed to by unregulated dance halls. This chapter is intended to regulate dance halls that admit persons under the age of eighteen in order to address the above referenced problems and to diminish the negative impact of unregulated dance halls thereon.

Section 3. A new section 5.06.020 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.020. Definitions.

For the purpose of this chapter and unless the context plainly requires otherwise the following definitions are adopted:

9-17-85
0856c

A. "Public dance" means any dance that is open to the public and which permits the entry of any person under the age of eighteen years and which:

1. Is held and conducted for a profit, direct or indirect; or
2. Requires a monetary payment of a fee, membership fee or other charge or contribution from any of the persons admitted.

B. "Public dance hall" means any place where a public dance is conducted, operated or maintained and includes the premises in or on which the public dance is conducted, operated or maintained, together with all hallways, bathrooms and all privately owned adjoining areas and open spaces on or about the premises in or on which the public dance is conducted, including areas for vehicular parking, which are accessible to the public during the dance and which are subject to the control of the person or entity conducting, operating or maintaining the public dance.

C. "Person" includes any natural person and, in addition, a corporation, partnership or an unincorporated association.

D. "Clerk" means the City of Bellevue employee or agent appointed by the City Manager as licensing official under this Chapter.

E. "Knowingly" shall have the meaning set forth in Bellevue City Code 10A.08.010(1)(b) as now or hereafter amended.

F. "Juvenile" shall have the meaning set forth in RCW 13.34.030 as now or hereafter amended.

Section 4. A new section 5.06.030 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.030. Dance Hall Premises License Required; Exceptions.

A. It is unlawful to conduct, operate or maintain a public dance or public dance hall without a valid and current license, to be designated a "Dance Hall Premises License."

B. A separate license is required for each public

9-17-85
0856c

dance hall premises and the same shall at all times be conspicuously posted and maintained thereon.

C. The Clerk shall prescribe the form of such license, number the same, and shall indicate thereon the location of the licensed public dance hall.

D. Exception. A license is not required if the public dance is sponsored and operated or conducted by an accredited educational institution or by a charitable, religious, or non-profit organization or corporation which has received tax-exempt status under I.R.C. paragraph 501(c)(3), 26 U.S.C., as now or hereafter amended.

Section 5. A new section 5.06.040 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.040. Dance Hall Operator's License Required.

It is unlawful to own, maintain or operate for public use, or to place with another, by lease or otherwise, for public use, any dance hall premises for which a license is required by this Chapter without a valid and current license to be designated a "Dance Hall Operator's License." The Clerk shall prescribe the form of such license and shall number the same.

Section 6. A new section 5.06.050 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.050. License - Application - Requirements.

Any person seeking a Dance Hall Premises or Dance Hall Operator's license shall complete and file a written application which shall include the following information:

- A. (1) The name and address of the applicant; and
- (2) The name and address of the operator of the dance hall; and
- (3) The name and address of the owner of the premises upon which the dance hall is located.

B. If the information provided under subsection A(1) through (3) of this section involves an unincorporated association, corporation or partnership, the name of the unincorporated association, corporation or partnership, and the name and addresses of the limited partners, partners,

9-17-85
0856c

officers and directors thereof.

C. A statement of any and all measures to be used to ensure that adequate traffic control and crowd protection, both within and immediately without the premises, will be maintained.

D. A statement from the applicant that the premises are in compliance with all applicable City, County and State health, building, zoning, fire and safety ordinances and laws.

E. Such other information as the Clerk determines is necessary to provide for the health, safety and welfare of persons attending public dances and public dance hall functions.

F. The Clerk, upon presentation of such application and before acting upon the same, shall refer such application to the Police Department, which shall make a full investigation as to the truth of the statements contained therein, and to the City Design & Development and Fire Departments, which shall investigate and provide information to the Clerk concerning compliance of the premises sought to be licensed with this and other applicable City, County and State health, zoning, building, fire and safety ordinances and laws.

Section 7. A new section 5.06.060 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.060. Inspection of Dance Hall Premises.

A. Applicants for any license authorized to be issued under this Chapter shall allow the premises sought to be licensed to be inspected by authorized inspectors from the City Fire, Police and Design and Development Departments.

B. Licensees operating premises licensed under this Chapter shall hold those areas upon the premises which are accessible to the public open for routine regulatory inspections by the City Fire, Police and Design and Development and County Health Departments during normal business hours and during those hours when a dance is being conducted.

Section 8. A new section 5.06.070 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.070 License Fees - Term - Assignment - Renewals.

9-17-85
0856c

A. The license year shall be from January first to December thirty-first of each year. All licenses shall expire on the thirty-first day of December each year. All license fees shall be payable on an annual basis, in advance. Annual license fees shall be as follows:

Dance Hall Premises License	\$375.00 per annum for each premises.
Dance Hall Operator's License	\$100.00 per annum.

B. License fees shall not be prorated, except that if the original application for license is made subsequent to June 30th in any year, the license fee for the remainder of that year shall be one-half of the annual license fee. Licenses issued under this Chapter may not be assigned or transferred to other operators or premises.

C. Applications for renewal of licenses issued under this Chapter shall be filed with the Clerk on or before the expiration date provided for in this Section in the same manner and accompanied by payment of the same fees as are in effect for an original application for that license for the license year applied for. 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 on or before the license expiration date, as follows:

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

Section 9. A new section 5.06.080 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.080. License - Denial of Application.

The Clerk shall deny a license if:

A. The applicant has failed to comply with any State, County or City law or ordinance applicable to the Premises or Operator, as the case may be, including but not limited to, this Chapter, or the City's Building, Fire, Land Use, or Health and Safety codes.

B. The licensee or any of the licensee's officers,

9-17-85
0856c

directors, partners, operators, employees or any other person involved in the operation of the public dance or public dance hall have:

1. Committed any act, which, if committed by a licensee, would be grounds for the suspension or revocation of a license or permit;
2. 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 now or hereafter amended) upon a juvenile or any felony under RCW Chapter 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.

C. Within the last two years the applicant has been refused a license or had a license revoked under the provisions of this chapter.

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.

Section 10. A new section 5.06.090 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.090. Issuance of Licenses.

A. After an investigation, the Clerk shall issue the applicable license or licenses authorized by this chapter if the Clerk finds:

1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws and ordinances of the State of Washington, King County, and the City including the requirements of this Chapter; and
2. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the Clerk; and

9-17-85
0856c

3. That the applicant has not had a Dance Hall Premises or Dance Hall Operator's License revoked by the City within two years of the date of the application.

B. The decision of the Clerk regarding issuance of any license shall be rendered within 30 days of the date of filing of the application.

Section 11. A new section 5.06.100 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.100. Suspension or Revocation of Licenses - Notice - Summary Suspension or Revocation.

A. After an investigation and upon the recommendation of the Chief of Police, Director of the Department of Design and Development or Fire Chief, the Clerk may, upon thirty days notice, temporarily or permanently 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 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 Bellevue, or the requirements of this Chapter;

3. The licensee or his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted:

a. any unlawful act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the dance hall premises; or

b. the dance hall premises to be used as a place in which unlawful solicitations for sexual intercourse, sodomy, oral copulation or masturbation occur; or

c. the possession or consumption of liquor, as defined in RCW 66.04.010(15), by persons under the age of twenty-one years, in or upon dance hall premises; or

9-17-85
0856c

d. the giving or supplying of liquor, as defined in RCW 66.04.010(15), to any person under the age of twenty-one years; or

e. 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 or hereafter amended) not prescribed by a licensed physician for use by the person possessing or using the substance.

B. If the Clerk finds that any of the conditions set forth in Section 5.06.100A. of this Chapter exist and that the existence of such condition constitutes a threat of immediate and serious injury or damage to person or property, the Clerk may immediately suspend or revoke any license issued under this Chapter without prior opportunity to be heard, in which event the licensee shall be entitled to a hearing in accordance with Section 5.06.110B. of this Chapter at the earliest opportunity. The notice of immediate suspension or revocation of license given pursuant to this subsection shall include the Clerk's finding regarding the condition found to exist that constitutes a threat of immediate and serious injury or damage to person or property, and the reasons therefor, and shall also contain a notice of the date, time and place when the hearing under Section 5.06.110B. shall be held, which shall not be more than ten days after the date of the notice of immediate suspension or revocation.

Section 12. A new section 5.06.110 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.110. Appeal and Hearing.

A. Any person aggrieved by the action of the Clerk in refusing to issue or renew any license under this Chapter or in temporarily or permanently suspending or revoking any license issued under this Chapter shall have the right to appeal such action to the City of Bellevue Hearing Examiner, or to such other hearing body as may hereafter be established by the City Council for the hearing of such appeals, by filing a notice of appeal with the Clerk within ten days of receiving notice of the action from which the appeal is taken.

B. The Hearing Examiner, upon receipt of a timely notice of appeal, shall set a date for hearing such appeal. The Examiner shall hear testimony, take evidence, and may hear oral argument and receive written briefs. Except in cases of summary suspension or revocation of licenses because of

9-17-85
0856c

immediate threat of serious injury or damage to person or property pursuant to Section 5.06.100B. of this Chapter, the filing of such appeal shall stay the action of the Clerk, pending the decision of the Examiner.

Section 13. A new section 5.06.120 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.120. Premises Regulations.

The Clerk shall not license any dance hall premises which do not conform to the following requirements, and shall revoke or suspend the license of any dance hall premises, and the license of any operator thereof, which do not maintain conformity with the following requirements:

A. The licensee shall not permit any doors to areas on the premises which are available for use by persons other than the licensee or employees of the licensee to be locked during business hours, including hours during which dances are conducted.

B. The licensee shall maintain illumination generally distributed in all parts of the premises which are available for use by the public, in compliance with the City of Bellevue Building Code (Chapter 23.10 of the Bellevue City Code), at all times when the premises are open or when any member of the public is permitted to enter and remain therein.

Section 14. A new section 5.06.130 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.130. Hours of Operation - Age Restrictions - Penalty.

The person conducting and/or operating a public dance or public dance hall shall check the identification of each person admitted to the premises.

A. No person conducting or operating a public dance or a public dance hall shall allow any person under the age of sixteen years to enter or remain on the premises except when such person's parent or legal guardian is present.

B. No person conducting or operating a public dance or public dance hall shall allow any person under the age of eighteen years to enter or remain on the premises after 12:00 midnight.

9-17-85
0856c

C. Every person who knowingly allows a person to enter or remain at a public dance or on the premises of a public dance hall in violation of this Chapter is guilty of a misdemeanor.

D. Any person under the age of eighteen years who affirmatively misrepresents his or her age and obtains admission to a public dance or permission to remain in any public dance hall in violation of this Chapter is guilty of a misdemeanor.

Section 15. A new section 5.06.140 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.140. Readmission Fee.

No person conducting or operating a public dance or public dance hall shall permit any person, other than an employee, to leave that area of the dance hall for which an admission fee is charged and return thereto unless that person pays a readmission fee equal to, or greater than, one-half the original price of admission.

Section 16. A new section 5.06.150 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.150. Construction of Chapter - Election of Other Remedies.

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal or modify any of the other provisions of the Bellevue City Code relating to licensing.

Section 17. A new section 5.06.160 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.160. Violation a Misdemeanor.

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor.

Section 18. A new section 5.06.170 is hereby added to the Bellevue City Code to read as follows:

Section 5.06.170 Severability.

If any section of this Chapter or any portion of any section of

9-17-85
0856c

this Chapter, or its application to any person or circumstances, is declared by a court of competent jurisdiction to be invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 19. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 23rd day of September 1985, and signed in authentication of its passage this 23rd day of September 1985.

(SEAL)



Cary E. Bozeman, Mayor

Approved as to form:



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published September 27, 1985