

## ORDINANCE 4293

### AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF CABARETS.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 7.20.010 is hereby amended to read as follows:

#### **7.20.010 Definitions.**

(a) "Cabaret" means any room, place or space whatsoever in the city in which any music, singing, dancing or other similar entertainment is permitted in connection with any hotel, restaurant, cafe, club, tavern, eating place, ~~directly or indirectly~~ selling, serving, or providing the public, with or without charge, food, or liquor. The words "music" and "entertainment" as used herein in this chapter shall not apply to radios, televisions, juke boxes or similar mechanical devices.

(b) "Liquor" ~~means all beverages defined~~ shall have the definition set forth in RCW 66.04.200010.

(c) "Person" ~~means one or more natural persons of either sex, firms, copartnerships and corporations; whether acting by themselves or by servant, agent or employee~~ any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Section 2. KMC Section 7.20.020 is hereby amended to read as follows:

#### **7.20.020 License required.**

It is unlawful for any person to conduct, manage or operate a cabaret unless such person is the holder of a valid and subsisting current license from the city to do so, ~~obtained in the manner herein provided~~ as provided in this chapter.

Section 3. KMC Section 7.20.030 is hereby amended to read as follows:

#### **7.20.030 License—Persons ineligible.**

No license shall be issued to:

(1) ~~A person who has not resided in the state of Washington for at least one month prior to making application~~ A natural person who has not attained the age of 21 years, except that licenses may be issued to persons who have attained the age of 18 years with respect to cabarets where no intoxicating liquors are served or provided;

(2) A person who has been convicted of or forfeited bail for any of the following within three years prior to filing the application:

(A) A felony which is reasonably related to a person's fitness or ability to conduct, manage or operate a cabaret;

- (B) A violation of any federal or state law or city ordinance concerning the manufacture, possession, or sale of liquor; or  
(C) A violation of any federal or state law or city ordinance concerning the manufacture, possession or sale of narcotics;  
~~(A) A crime involving the use of force or violence upon the person of another;~~  
~~(B) A crime:~~  
~~(i) Involving sexual misconduct, such as rape, prostitution or indecent liberties, or~~  
~~(ii) Involving conduct which would violate Sections 11.20.200 through 11.20.300;~~  
~~(C) A crime involving dangerous weapons, narcotics, controlled substances or dangerous drugs that amounts to a felony, or~~  
~~(D) A crime of fraud or attempted fraud;~~  
 (3) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;  
 (4) A copartnership, unless all members of the partnership are thereof shall be qualified to obtain a license under this chapter as provided herein;  
 (5) A corporation, unless all of its the officers, directors and stockholders are thereof shall be qualified to obtain a license under this chapter as provided herein. The cabaret Such license shall be issued to the manager or operator of the cabaret other directing head thereof.

Section 4. KMC Section 7.20.040 is hereby amended to read as follows:

**7.20.040 License—Application—Procedure.**

Any person desiring such a license shall file written application with the city on forms provided by the city for that purpose. Fifteen dollars shall be deposited with the city when application is made. This deposit will be applied to costs, if any, charged to the city for investigation. Upon filing, ~~such application shall be presented to the city council and before acting on same the city council shall refer such application to the city manager who in conjunction with the police department shall~~ conduct a full investigation as to the truth of the statements contained therein, and as to any and all other matters which might tend to aid the city council in determining whether or not such application should be granted. The police department shall forward the results of its investigation to the Director of Finance, who shall issue or deny the license based on whether the application meets the requirements of this chapter. An applicant may appeal the denial of a cabaret license utilizing the appeal procedures set forth in KMC 7.02.250. After the city manager has reported back to the council the result of such investigation, if the council is satisfied that the statements contained in such application are true, the council shall direct the issuance of the license applied for; provided, however, that if the council is not satisfied that the application should be granted, then the council shall, upon at least ten days' notice to the applicant, holding a hearing upon such application, at which time the applicant shall be given an opportunity to prove by competent evidence that the applicant and all persons having an interest in the proposed cabaret satisfy the requirements of Section 7.20.030 and that none of them have within

~~the time specified therein been convicted of or forfeited bail for any of the offenses listed in Section 7.20.030(3) or Section 7.20.030(6). If after such hearing the council shall find from a preponderance of the evidence that the foregoing facts have been established, it shall direct the issuance of the license applied for. If after such hearing the council shall find that the foregoing facts have not been established by the evidence, the application shall be denied. The action of the city council upon such a hearing shall be final. Whether or not the license application is approved, the applicant is responsible for costs charged to the city in connection with the investigation of the license application. Any refund due the applicant out of the deposit shall be paid after the city council has made a final decision on the application.~~

Section 5. KMC Section 7.20.070 is hereby repealed. A new KMC 7.20.070 is hereby adopted to read as follows:

**7.20.070 License issuance.**

Cabaret licenses shall be issued with the applicant's business license and shall renew and expire at the same time as the applicant's business license. In the event an applicant for a cabaret license already has a city business license, the initial term of the cabaret license shall expire at the same time as the business license.

Section 6. KMC Section 7.20.080 is hereby repealed. A new KMC 7.20.080 is hereby adopted to read as follows:

**7.20.080 Licenses—Revocation—Causes—Notice—Hearing.**

The city may suspend or revoke a cabaret license if it determines the cabaret license was obtained through fraud or misrepresentation or that the license holder has failed to comply with the provisions of this chapter. The city shall utilize the procedures set forth in KMC 7.02.270 for the purpose of suspending or revoking a cabaret license.

Section 7. KMC Section 7.20.100 is hereby repealed.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of March, 2011.

Signed in authentication thereof this 15th day of March, 2011.

  
MAYOR

Attest:

Kathie Anderson  
City Clerk

Approved as to Form:

Philip L. Jenkins  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4293

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE LICENSING AND REGULATION OF CABARETS.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 7.20.010, relating to definitions in the City's cabaret ordinance.

SECTION 2. Amends KMC Section 7.20.020 relating to cabaret licensing.

SECTION 3. Amends KMC Section 7.20.030 relating to cabaret licensing eligibility.

SECTION 4. Amends KMC Section 7.20.040 relating to cabaret licensing procedures.

SECTION 5. Repeals existing KMC Section 7.20.070 and adopts a new KMC Section 7.20.070 relating to cabaret license issuance.

SECTION 6. Repeals existing KMC Section 7.20.080 and adopts a new KMC Section 7.20.080 relating to cabaret license revocation procedures.

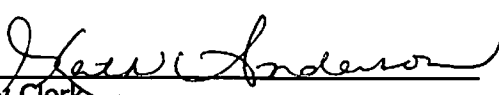
SECTION 7. Repeals KMC Section 7.20.100 relating to the applicability of cabaret licensing requirements.

SECTION 8. Provides a severability clause for the ordinance.

SECTION 9. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 15th day of March, 2011.

I certify that the foregoing is a summary of Ordinance No. 4293 approved by the Kirkland City Council for summary publication.

  
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City Clerk