

ORDINANCE NO. 1057

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, REGULATING CABARETS; PROVIDING FOR THE LICENSING THEREOF, DEFINING OFFENSES AND PROVIDING PENALTIES:

THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions:

a. "Cabaret" shall mean any room, place or space whatsoever in the City of Kirkland 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 shall not apply to radios or mechanical devices.

b. "Liquor" shall mean all beverages defined in R.C.W. 66.04.200.

c. "Person" shall mean one or more natural persons of either sex, firms, co-partnerships and corporations; whether acting by themselves or by servant, agent or employee.

Section 2. It is hereby declared to be unlawful for any person to conduct, manage or operate a cabaret unless such person is the holder of a valid and subsisting license from the City of Kirkland so to do, obtained in the manner herein provided.

Section 3. No license shall be issued to:

1. A person who is not a citizen of the United States, except when in contravention of treaty.

2. A person who has not resided in the State of Washington for at least one month prior to making application.

3. A person who has been convicted of a felony within five years prior to filing his application.

4. 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.

5. A co-partnership, unless all members thereof shall be qualified to obtain a license as provided herein.

6. A person who has been convicted of a violation of any federal or state law or city ordinance concerning the manufacture, possession, or sale of liquor subsequent to the passage of the Washington State Liquor Act, or shall have forfeited his bond to appear in court to answer charges of any such violation.

7. A corporation, unless all of the officers, directors and stockholders thereof shall be qualified to obtain a license as provided herein. Such license shall be issued to the manager or other directing head thereof.

Section 4. Any person desiring such a license shall file written application with the City on forms provided by the City for that purpose. 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. After the city manager shall have reported back to the Council the result of such investigation, if the Council be 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 shall not be satisfied that the application should be granted, then the Council shall, upon at least ten (10) days notice to the applicant, hold 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 are of good moral character and that none of them have ever been convicted of any of the above mentioned offenses as herein provided. 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.

Section 5. Any person desiring to have music in a cabaret without dancing or other entertainment, shall first procure a "cabaret music license" at a cost of \$100.00 per year.

Section 6. Any person desiring to have music in a cabaret with dancing or other entertainment, shall first procure a cabaret dance or entertainment license at a cost of \$ 250.00 per year.

Section 7. There shall be no prorating of the aforementioned fees, and such licenses shall expire on the 31st day of December of each year; except that in the event that the original application be made subsequent to June 30th, then one-half of the annual license fee may be accepted for the remainder of said year. Said licenses shall not be assignable.

Section 8. The City Council reserves unto itself the power to revoke any license issued under the provisions of this ordinance at any time where the same was procured by fraud or false representation of fact; or for the violation of any of, or failure to comply with the provisions of this ordinance by the person holding such license or any of his servants, agents or employees; or the conviction of the person holding such license of any crime or offense involving moral turpitude or the conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude committed on the premises in which his cabaret is conducted; or in the event that it is determined that the further operation of said cabaret would be detrimental to the public peace, health or welfare of

the City of Kirkland. Before revoking any such license, the City Council shall, upon at least ten (10) days notice to the licensee, hold a hearing concerning such revocation, at which time the licensee shall be entitled to be heard and introduce the testimony of witnesses. The action of the City Council, after such hearing, relative to such revocation shall be final.

Section 9. Any license issued pursuant to this ordinance shall be subject to any rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquor.

Section 10. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment not to exceed 180 days, or by both such fine and imprisonment.

Section 11. That this ordinance shall be in force and effect five (5) days from and after its passage by the Council and publication as required by law.

PASSED by the City Council at regular meeting on the  
day of \_\_\_\_\_, 1966.

SIGNED in authentication thereof on the \_\_\_\_\_ day  
of \_\_\_\_\_, 1966.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

*[Handwritten Signature]*  
\_\_\_\_\_  
City Attorney

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Section 12. The following shall be subject to the licensing provisions of this ordinance provided that no fee shall be imposed: veteran, fraternal, or service organizations, or groups, or any activity carried on in a building owned by local, state, or federal government, or governmental agency.

PASSED by the City Council at regular meeting on the 21st day of November, 1966.

SIGNED in authentication thereof on the 21st day of November, 1966.

James L. Jany  
Mayor

Attest:

Allen W. Lucas  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

Raymond E. Thom  
City Attorney

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