

ORDINANCE NO. 2843

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO THE ISSUANCE AND REVOCATION OF CABARET AND CERTAIN OTHER BUSINESS LICENSES AND AMENDING SECTIONS 7.20.030, 7.20.040 AND 7.20.080 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 7.20.030 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.20.030 License--Persons ineligible. 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 or forfeited bail for any of the following [a felony] within three [five] years prior to filing his application[,]:

a) An offense involving the use of force or violence upon the person of another that amounts to either a felony or a misdemeanor;

b) An offense involving sexual misconduct, i.e., rape, assignation, prostitution, indecent liberties, lewdness, or any activity or course of conduct in violation of Sections 11.20.170 through 11.20.300 of the Kirkland Municipal Code relating to lewd and unlawful public exposure, prostitution and body studios;

c) An offense involving dangerous weapons, narcotics, controlled substances, or dangerous drugs that amounts to a felony; or

d) A crime of attempting to defraud;

(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 copartnership, 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 2. Section 7.20.040 be and it hereby is 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. 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 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) [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 3. Section 7.20.080 of the Kirkland Municipal Code be and it hereby is amended to read as follows:

7.20.080 Licenses--Revocation--Causes--Notice--Hearing. The city council reserves unto itself the power to revoke any license issued under the provisions of this chapter 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 chapter 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 any of the offenses listed in Section 7.20.030(3) or 7.20.030(6) [moral turpitude] or the conviction of any of his servants, agents or employees of any crime or offense involving any of the offenses listed in Section 7.20.030(3) or 7.20.030(6) [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 the cabaret would be detrimental to the public [peace] safety, health or welfare of the city. Before revoking any such license, the city council shall, upon at least ten 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 4. Savings clause. If any section, subsection, sentence, clause, phrase, part or portion of this amendatory ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the

remaining portions of this amendatory ordinance. City Council declares it would have adopted this amendatory ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof irrespective of the fact that any one or more section, subsection, sentences, clauses, parts or portions be declared invalid or unconstitutional.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of December, 1984.

Signed in authentication thereof this 17th day of December, 1984.

Lois Cooper
MAYOR

ATTEST:

Tom J. Anderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Gayle E. ...
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 18th day of December, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice Perry
Clerk