

ORDINANCE 2936

AN ORDINANCE RELATING TO REGULATION AND LICENSING OF PUBLIC DANCE HALLS AND PUBLIC DANCES AND AMENDING CHAPTER 7.24 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Chapter 7.24 of the Kirkland Municipal Code is hereby amended by the addition of new sections to read as follows:

7.24.060 Additional regulations when persons under eighteen admitted - Exceptions. Any person holding a dance hall license or dance permit shall in addition to the requirements of Section 7.24.010 through 7.24.050 also comply with the provisions of Sections 7.24.060 through 7.24.066, inclusive, when persons under eighteen are admitted or allowed to be present during any public dance, or on the premises of any public dance hall. The provisions of this chapter shall not apply if the public dance is sponsored or conducted by an accredited educational institution.

7.24.061 Purpose - construction - election of other remedies. This amendatory ordinance 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 pervasive problems of runaway children, drug abuse and abuse of children are problems of such magnitude that they are a matter of City concern and are contributed to by unregulated dance halls; as such this amendatory ordinance shall regulate dance halls that admit persons under the age of eighteen. The provisions of this amendatory ordinance shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this amendatory ordinance shall be deemed to repeal or modify any of the provisions of any other law or ordinance of the City of Kirkland relating to dance halls or licensing.

7.24.062 Hours of operation - Age restrictions
- Penalty.

A. No person conducting a public dance or person maintaining a public dance hall shall allow persons under the age of sixteen to enter or remain on the premises unless accompanied by their parent or legal guardian.

B. No person conducting or operating a public dance or public dance hall shall allow persons under the age of eighteen to enter or remain on the premises unless accompanied by their parent or legal guardian after 2 a.m.

C. Every person who knowingly or recklessly shall allow a person to enter or remain in violation of this section shall be guilty of a misdemeanor. It is the responsibilities of the person conducting and/or operating a public dance to require identification showing the age of each person admitted.

D. Any person under the age of eighteen years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public dance in violation of this chapter shall be guilty of a misdemeanor.

E. For the purposes of this section, the word "premises" shall include the dance hall structure or building, including entrance ways, hallways, grounds, yards and off-street parking facilities available for utilization by patrons or employees of the dance hall.

7.24.063 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, or greater than, one-half the original price of admission.

7.24.064 Access - Peace officer - Director. All peace officers of the City of Kirkland and/or the director of the Department of Administration and Finance 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 ordinance.

7.24.065 Licensing - Retroactivity. All licenses issued prior to the effective date of the ordinance codified herein shall entitle the holder of such license a period of thirty-five days, following the effective date of the ordinance, to comply with the provisions of this ordinance.

7.24.066 Indemnification.

A. The licensee shall indemnify and hold the City harmless from any and all losses, claims, actions, or damages suffered by any person or persons by reason of or resulting from any negligence of the licensee or its agents, employees, or patrons or on account of any act or omission of the licensee in its exercise of its license or use or occupancy of the premises. In the event any suit or action is brought against the City, the licensee shall, upon notice of the commencement thereof, defend the same, at no cost and expense to the City, and promptly satisfy any final judgment adverse to the City or to the City and the licensee jointly; provided, that in the event the City determines that one or more principles of governmental or public law are involved, the City retains the right to participate in such action. The above liability shall not be diminished by the fact, if it be a fact, that any such death, injury, damage, loss, cost, or expense may have been, or may be alleged to have been, contributed to by the negligence of the City or its officers, employees, or agents; provided, however, that nothing contained in this section shall be construed as requiring the licensee to indemnify the City against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its officers, employees or agents.

B. As a condition precedent to obtaining license, the licensee shall, at no expense to the City, secure and maintain during the full term of this agreement, general comprehensive liability insurance issued by one or more companies authorized to do business in the State of Washington, which insurance shall be subject to the approval of the City Attorney as to company, form, coverage, and which insurance must fully protect the City from any and all claims and risks in connection with any activity performed by the licensee by virtue of this agreement and provide the following minimum coverage:

- a. \$1,000,000 per person, per occurrence;
- b. \$1,000,000 annual aggregate;

Said policy must specifically name the City of Kirkland as an additional insured party thereunder in the following manner:

"The City of Kirkland is an additional insured for all coverages provided by this policy of insurance and shall be fully and completely protected by this policy and for any claim, suit, injury, death, damage or loss of any sort sustained by a person, organization or corporation in connection with any activity upon or use or occupancy of establishments regulated by this section.

"The coverages provided by this policy to the City or any other named insured shall not be terminated, reduced, or otherwise changed in any respect without providing at least thirty (30) days' prior written notice to the Department of Administration and Finance of the City of Kirkland."

C. The licensee shall deliver to the Department of Administration and Finance of the City of Kirkland, a copy of all policies required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction of the Department of Administration and Finance that the licensee has secured or renewed and is maintaining insurance as required by this section.

D. The procuring of the insurance required by this section shall not be construed to limit licensee's liability hereunder.

E. Licensee shall provide for the prompt and efficient handling of all claims for injury, death, damage or loss arising out of the acts or omissions of licensee during the term of this section. Licensee agrees that all such claims, whether processed by licensee or its insurer, either directly or by means of an agent, will be handled by a person with a permanent office within the corporate limits of Kirkland.

Section 2. Should any part of this amendatory ordinance be adjudged invalid for any reason, such adjudication shall not affect the validity of this amendatory ordinance as a whole or any other part thereof.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of February, 1986.

Signed in authentication thereof this 18th day of February, 1986.

Lorin Cooper
MAYOR

ATTEST:

Janice Leung **DEPUTY CLERK**
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Thayer E. [Signature]
City Attorney