Chapter 5.20
CABARETS*

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5.20.010 Definitions.

For the purposes of this chapter, the words set forth in this section shall be defined as follows:

“Cabaret” means any room, place or space in the city open for service to the public or members in which the guests, patrons, entertainers or other persons are allowed to dance, sing, or perform music or live entertainment, including comedy, in connection with the restaurant business or the business of directly or indirectly selling food or refreshments, including liquor, for consumption on or within the premises.

“Liquor” shall mean all beverages defined in RCW 66.04.010(21), as now or hereafter amended.

“Music or live entertainment” does not include radios, televisions, mechanical music devices or jukeboxes used for the reproduction of music for the listening enjoyment of the members or patrons only.

“Person” means one or more natural persons, firms, partnerships, or corporations, whether acting by themselves or by servant, agent, or employee. (Ord. 023-05 § 1).

5.20.020 License required.

No person shall open up, conduct, manage, operate or maintain a cabaret without having a license to do so issued by the city clerk in accordance with the provisions of this chapter. Licenses shall be made available on a daily or annual basis. (Ord. 023-05 § 1).

5.20.030 License – Application – Issuance.

(1) Any person desiring to maintain, keep or operate any such cabaret shall make written application for license to do so and file the same with the city clerk. Such application shall state the name of the
applicant and address and place of business at which any cabaret is operated as well as other information as deemed necessary by the city clerk.

(2) The city clerk shall refer the application to the police, fire, planning, and finance departments for compliance with all federal, state and local laws and for recommendations on the considerations referred to in POMC 5.20.070. If the application is approved by all of the departments, the city clerk shall issue the license, upon payment by the applicant of the fees required by POMC 5.20.040. (Ord. 023-05 § 1).

5.20.040 License – Fees.
(1) The license fees shall be as follows:

(a) Daily license: $20.00.

(b) Annual license: $100.00.

(2) The annual license fee shall be payable prior to January 31st for the year required or prior to commencement of business in the city. The annual license fee shall not be prorated for a partial year but the full fee provided herein shall be payable regardless of the date of application.

(3) For any license procured after the applicable date required in this section, there is assessed and shall be collected by the city clerk, in addition to the required license fee, a penalty of $10.00 per month, which shall not be prorated. (Ord. 023-05 § 1).

5.20.050 License – Term.
(1) Daily licenses shall expire at 2:00 a.m. on the day following the effective date of the license.

(2) Annual licenses shall expire on the last day of each calendar year. (Ord. 023-05 § 1).

5.20.060 License – Nontransferable – Posting.
The license issued under this chapter shall be personal and nontransferable, and shall at all times be conspicuously posted in the place of business for which it is issued. Where the location of business of the licensee is changed, the licensee shall return the license to the city clerk and a new license shall be issued for the new location of business without charge. No person to whom a license has been issued pursuant to this chapter shall permit or allow any other person to operate any business or display his/her license, nor shall such other person operate under or display such license. (Ord. 023-05 § 1).

5.20.070 License – Refusal, cancellation or revocation.
(1) No cabaret license shall be issued to:

(a) A person who has been convicted of a felony within five years prior to filing of an application.

(b) 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 narcotics or controlled substances as defined by the Revised Code of Washington.
(c) A person who has had a similar license revoked or suspended pursuant to this chapter or its predecessor.

(d) 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.

(e) A partnership, unless all members thereof are qualified to obtain a license as provided in this chapter.

(f) A corporation, unless all officers, directors and managers thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or other directing head of such corporation.

(2) The city clerk may refuse to issue a cabaret license, or may cancel or revoke such license after it has been issued, if it is learned that the same was procured by fraud or false representation of facts, or that the applicant or permittee has failed to comply with the provisions and requirements of this chapter or has violated any provision of this chapter, or for any other reason which, in the opinion of the chief of police, will be detrimental to the public peace, health or welfare.

(3) In the event that the city clerk determines that a cabaret license should not be issued or that grounds exist to cancel or revoke such license after it has been issued, then the notice and appeal procedures set forth in POMC 5.12.120(2) through (6) shall apply. (Ord. 023-05 § 1).

5.20.080 License subject to State Liquor Control Board rules.
Any license issued pursuant to this chapter shall be subject, where applicable, to any rules or regulations of the State Liquor Control Board relating to the sale of intoxicating liquor. (Ord. 023-05 § 1).

5.20.090 Exemptions.
This chapter shall not apply to private clubs holding valid licenses authorizing the sale of alcoholic beverages for consumption on the premises, but all clubs shall, nevertheless, be subject to the rules and regulations of the State Liquor Control Board relating to music, dancing, or entertainment within such club. For the purposes of this chapter, a “club” is an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational or athletic purposes and not for pecuniary gain. (Ord. 023-05 § 1).

5.20.100 Violation – Penalty.
Any person, firm or corporation violating any of the terms or provisions of this chapter shall, upon conviction thereof, lose their license and be fined $500.00 or be punished by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 023-05 § 1).

5.20.110 Construction of chapter.
This chapter shall not be construed as imposing a license fee upon the sale or privilege of selling beer, wine or any intoxicating liquors, but rather as imposing a license fee solely upon the business for the
privilege of furnishing an opportunity to provide dancing, exhibitions, theatrical performances, shows or other similar amusements. (Ord. 023-05 § 1).