

AN ORDINANCE DEFINING AND REGULATING PUBLIC DANCES AND TEEN DANCE HALLS, PROVIDING FOR THE LICENSING THEREOF AND PRESCRIBING PENALTIES AND REPEALING ORDINANCES 212, 833 AND PORTION OF LMC AND LYNNWOOD MUNICIPAL CODE CHAPTER 5.24 IN ITS ENTIRETY.

WHEREAS, The City council of the City of Lynnwood finds it to be in the public interest to regulate public damages and teen dance halls; and

WHEREAS, it is in the interest of the public health, safety and welfare and the teenagers of the community to provide a safe regulated environment for these youths to enjoy social activities and dances without the social pressure and influence of young adults twenty-one (21) years of age and older.

NOW, THEREFORE, the City Council of the City of Lynnwood does ordain as follows:

SECTION 1 (5.25.010)

Definitions

For the purpose of this Section and unless the context plainly requires otherwise, the following definitions are adopted:

A. Public Dance means any dance that is open to the public and which (1) is conducted for a profit, direct or indirect; or (2) requires a monetary payment or contribution from the persons admitted. The term Public Dance does not include a banquet, party or celebration conducted for invited guests which is not open to the public.

B. Teen Dance means any public dance which permits the entry of persons under the age of twenty-one (21) years.



C. Dance Hall means any place or premises where a public dance is conducted, including but not limited to all parking areas, hallways, bathrooms, and adjoining areas accessible to the public during the dance.

D. Person includes one or more natural persons, corporations, partnerships or unincorporated associations or other forms of business organization.

E. Police Chief means the City of Lynnwood Police Chief or his designee.

F. Security means employees dedicated to maintaining adherence to laws and regulations of this ordinance in the dance hall.

G. Fire Marshall means the City of Lynnwood Fire Marshall or his designee.

SECTION 2 (5.25.020)

License Required - Fee - Renewals

A. It is unlawful for any person to conduct a public dance within the City of Lynnwood without first having obtained and being the holder of a valid and subsisting license for such activity, to be known as a public dance license; provided, however, that any holder of a valid and current cabaret license shall be exempt from the license provisions of this chapter. The annual fee for a public dance license is \$200.00, provided, that the City Clerk may issue a permit to any applicant for one dance only for a fee of \$20.00 per dance; provided further that the City Clerk shall not issue more than three (3) single dance permits within any thirty-day period to any one person, or to any one acting on their behalf or to any applicant desiring to hold a public dance at any place where more than three single dance permits have been issued within the last thirty days without the applicant first securing an annual dance permit. The term and renewal of any and all annual licenses shall be as provided in LMC 5.04.040.



B. All applications for permits, whether annual or monthly, shall indicate the anticipated dates of proposed dances and both the hour of commencement and closing of each of the proposed dances.

C. The permits as provided in this chapter shall not be assignable.

D. All annual dance licenses shall expire on December 31st of each year.

SECTION 3 (5.25.030)

License - Exemption and Waiver of Payment

A. A license is not required if the public dance is sponsored by an educational institution accredited by the State of Washington.

B. A license is not required if the public dance is sponsored by a nonprofit, tax exempt organization, corporation or association recognized by the United States of America as exempt from federal income taxation pursuant to Section 501(C)(1) or (3) of the Internal Revenue Code of 1954, 26 USC Section 501 as now existing or hereafter amended.

C. If the public dance is managed or operated by the City of Lynnwood, the license requirements of this chapter may be waived by the Police Chief.

D. Those organizations which are not required to obtain a license under this chapter shall register their intent to conduct a public or teen dance with the City Clerk within fourteen (14) days prior to each dance held, and shall include such information required for an application for a license under this chapter. Additionally, that organization shall provide proof satisfactory to the Clerk of the organizations' exempt status.



SECTION 4 (5.25.040)

Application

A. Applications for any license pursuant to this chapter shall be submitted in writing to the City Clerk upon such forms as the Clerk may prescribe at least thirty (30) days prior to the first dance. In addition to other information requested, application forms shall contain the name and place of residence of the applicant, the address and description of the premises to be licensed and the time and date of the dance or dances to be held.

B. All applications shall be referred to the Police Chief who shall conduct an investigation as to the truth of the statements contained therein and investigate all other matters pertaining to the criteria for license approval set forth in LMC 5.25.050. The Chief of Police shall report to the City Clerk the results of such investigation, as well as his other findings as to whether the criteria for obtaining a public dance license have been met.

C. The Police Chief may impose such conditions as he finds necessary to adequately protect the public health, safety and general welfare, including the condition that the licensee employ an off-duty police officer to enforce the laws of the State of Washington and City ordinances during any dance.

SECTION 5 (5.25.050)

Denial of License

A. The City Clerk shall deny a license if one or more of the following conditions exists:

1. The applicant is not in compliance with any state, county or city law or ordinance applicable to the premises or operator.

2. The applicant or any of the applicant's officers, directors, partners, operators, employees or other person involved in the operation of the dance or dance hall have:

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a. Committed any act, which, if committed by a licensee, would be grounds for suspension or revocation of a license or permit; or

b. In the case of an applicant for a teen dance license, been convicted within the last five years of a felony involving a crime of violence (as defined in RCW 9.41.010(2) as now exists or hereafter amended) upon a juvenile or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 69.50; or

3. Within the last two years the applicant has been refused a license or had a license revoked under the provisions of this chapter.

B. Any applicant denied a license may reapply and be granted a license if the applicant can show that the basis for such denial no longer exists.

C. When the City Clerk refuses to grant a license, or grants a license with conditions, he shall notify the applicant in writing of the same and shall inform the applicant of his right to appeal to the Police Chief or his designee within ten (10) days of the date of the notice by filing a written notice of appeal which contains a statement of the reasons for the appeal with the City Clerk. Upon timely receipt of a written notice of appeal, the City Clerk shall schedule a hearing of the matter pursuant to Section 10 of this ordinance, such hearing to be held within fifteen (15) days of receipt of an applicant's written appeal.

SECTION 6 (5.25.060)

Security

A. It shall be the obligations of every person licensed under this ordinance to insure that an adequate number of qualified security personnel are employed and present at a teen dance, during and following each dance, as is necessary to maintain order and insure compliance with the



laws of the State of Washington and ordinances of the City of Lynnwood.

B. The Chief of Police will review the security provisions of the establishment and may, at his discretion, require the augmentation of security personnel to include hiring off-duty police officers.

SECTION 7 (5.25.070)

Litter Control - Security for Cleanup

A. Prior to issuance of any public dance license a cash security deposit in the amount of \$200.00 shall be submitted to the City Clerk as security for the cleanup of all litter resulting from any public dance authorized by the license. In the event the licensee fails to clean up all litter on any public or private property which results from any public dance conducted by the licensee within twenty-four (24) hours of the end of the dance, the City may cause such litter to be cleaned up and pay the costs of the clean up out of the security funds. Litter resulting from the public dance shall be limited to that occurring within a one block radius of the location of the dance unless clearly identified to the dance. In the event the cost of the clean up exceeds the amount of funds on deposit, the licensee shall pay such excess costs.

B. In the event funds are expended out of a security deposit required by this Section, the licensee shall, within five (5) days of receipt of notice of such expenditure, submit the amount necessary to replenish the security fund to the amount of the full security deposit. No renewal license shall be issued unless the full amount of the security deposit for litter clean up is on deposit with the City at the time of the application for renewal. If funds sufficient to replenish the fund are not received within five (5) days of receipt of written notice then the license shall be suspended until sufficient funds are received. Within the

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five (5) days of receipt of notice of deficiency, the licensee may inform the Clerk in writing of circumstances justifying non-payment of additional funds which information shall be considered by the Clerk and the licensee shall not be suspended if the non-payment is justified.

C. If the funds for security for cleanup are fully expended within any one week, or if the funds for cleanup fall below \$100.00 twice in any quarter or five times in any year, then the Clerk shall require an additional cash deposit of the higher of \$300.00 or the greatest one week expenditure for cleanup during the prior year.

D. Upon termination of all activities authorized by a public dance license and clean up of all litter resulting from such an activity, the remainder of all funds deposited as security for litter clean up shall be refunded to the licensee, without interest.

SECTION 8 (5.25.080)

Loitering on Premises Prohibited

It shall be the obligation of each person issued a license under this Chapter to prevent loitering of all persons on the premises of the dance hall, including parking lot and driveway areas used by patrons of the dance hall. "Loitering" shall not include walking between the entrance to the public dance and parked vehicles, nor shall it include the act of waiting in line to gain admission to the dance.

SECTION 9 (5.25.090)

Revocation or Suspension of License

A. After giving notice to the licensee of the right to a hearing pursuant to the procedures set forth in LMC 5.25.100 and conducting a hearing before the Chief of Police or his designee if a timely request is filed, the City Clerk may suspend or revoke any license issued pursuant to this Section where one or more of the following conditions exists:



1. The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the Clerk;

2. The building, structure, equipment or location of the business or dance for which the license was issued does not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire and safety laws and ordinances of the State of Washington, Snohomish County, and the City of Lynnwood, or the requirements of this ordinance;

3. The applicant or any of the applicant's officers, directors, partners, operators, employees or other person involved in the operation of a teen dance has been convicted within the last five years of a felony involving a crime of violence (as defined in RCW 9.41.010[2] upon a juvenile as now exists or hereafter amended) or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 69.50; or

4. The licensee or his employee, agent, partner, director, officer or manager has knowingly allowed or permitted:

a. a felony involving a crime of violence (as defined in RCW 9.42.010[2] as now exists or hereafter amended) or any felony under RCW Chapters 9A.44, 9A.64, 9A.88 or 6950 to occur in or upon the dance hall premises;

b. Any act of or solicitation for sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the dance hall premises; or

c. The possession or consumption of liquor by persons under the age of twenty-one (21) years; or

d. The giving or supplying of liquor to any person under the age of twenty-one (21) years; or

e. The use by any person in or upon the dance hall premises of marijuana, cocaine or any other controlled substance (as defined in RCW 69.50.101[d] as now exists or as hereafter amended) not prescribed by a licensed

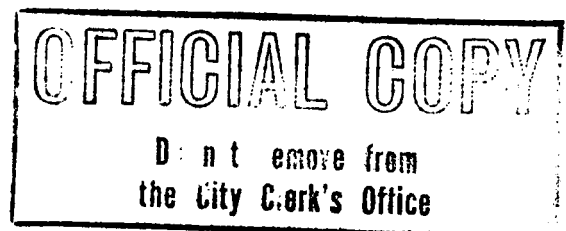
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physician for use by the person possessing or using the substance; or

f. Violation of any condition placed upon a license issued pursuant to this ordinance, or of any other applicable law or ordinance, which the Chief of Police or his designee finds constitutes an unreasonable interference with surrounding land uses or is otherwise unreasonably detrimental to the public welfare.

B. If the City Clerk finds that any of the conditions set forth in this ordinance exists and that the existence of such condition constitutes a threat of immediate and serious injury or damage to person or property, and in the case of conditions which may be eliminated by the license, that notice of the conditions has been given to the license and at least 24 hours have expired without the elimination of such conditions, the City Clerk may immediately suspend any license issued under this chapter without prior opportunity to be heard, in which event the licensee shall be entitled to appeal the decision to the Chief of Police or his designee in accordance with LMC 5.25.100 of this chapter. The notice of immediate suspension of license given pursuant to this subsection shall include a statement of the conditions found to exist that constitutes a threat of immediate and serious injury or damage to persons or property, and shall also inform the applicant of his right to appeal within ten (10) days of the date of the notice by filing a written notice of appeal which contains a statement of the reasons for the appeal within the City Clerk. Upon timely receipt of a written notice of appeal, the City Clerk will schedule a hearing of the matter before the Chief of Police or his designee pursuant to LMC 5.25.100, such hearing to be held within (15) days of receipt of the written notice of appeal.



SECTION 10 (5.25.100)

Appeal from Denial, Revocation or Conditions

A. When the City Clerk refuses to grant a license, revokes or suspends a license previously issued, or grants a license with conditions, the City Clerk shall notify the applicant in writing of the same and shall inform the applicant of his right to a hearing before the Chief of Police or his designee within ten (10) days of the date of the notice by filing a written notice of appeal which contains a statement of the reasons for the appeal with the City Clerk.

B. If the applicant timely files a notice of appeal, the applicant shall be afforded a hearing before the Chief of Police or his designee at which time the applicant shall be afforded an opportunity to show that the conditions imposed are without merit or that the reasons for denial of the license do not justify the denial. After the hearing the Chief of Police or his designee shall determine whether the applicant has shown reason to revise the conditions or to issue the license and shall make its final decision.

SECTION 11 (5.25.110)

Age Restrictions

A. No person conducting a public dance or maintaining a public dance hall shall allow persons under the age of fifteen years to enter or remain in the dance hall without a parent or legal guardian present.

B. No person conducting a "teen dance" as defined in this chapter shall allow persons over the age of twenty (20) years to enter or remain in the dance hall as defined, except for parent or legal guardian.

C. It is the responsibility of the person conducting and/or operating a public dance to require identification showing the age and photograph of each person admitted, such

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as but not limited to a valid Washington State Driver's License or photo identification card.

D. Every person who knowingly or recklessly allows a person to enter or remain in violation of this section shall be guilty of a misdemeanor, punishable as prescribed in LMC 10.02.080.

E. Any person who affirmatively misrepresents his or her age to obtain admission to or permission to remain in any public dance in violation of this Chapter shall be guilty of a misdemeanor, punishable as prescribed in LMC 10.02.080.

SECTION 12 (5.25.120)
Hours of Operation

No public dance to which any person under the age of twenty-one (21) years may be admitted shall be conducted past the hour of 12:00 midnight on any school night, nor past the hour of 2:00 a.m. on any other day. For the purpose of this section, the term "school night" means any night preceding a day upon which public schools within the City of Lynnwood are scheduled to operate as of the time of commencement of the dance.

SECTION 13 (5.25.130)
Public Dance - 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 the original price of admission.

SECTION 14 (5.25.140)
Access - By Police and fire Officers

All police officers of the City of Lynnwood and/or the Chief of Police and the fire Marshall shall have free access to public dances and dance halls when a dance is being conducted, for the purpose of inspection and to enforce

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compliance with the provisions of this ordinance and other applicable City, County and State health, zoning, building, fire and safety ordinances and laws.

SECTION 15 (5.25.150)
License Limited to Licensee and Location

Any license issued under the provisions of this chapter shall apply to a single licensee and to a single location only and shall not be transferable to other locations or to other persons.

SECTION 16 (5.25.160)
Severability

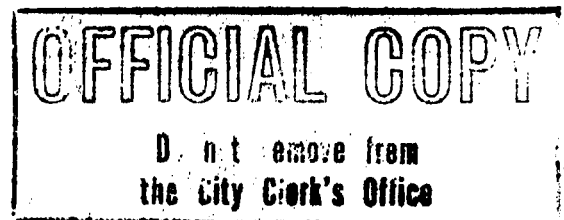
If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 17

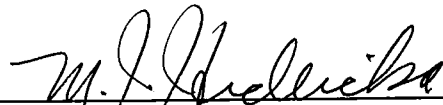
Sections 1 through 8 of Ordinance 212, Sections 1 through 3 of Ordinance 833 and Section 6 of Ordinance 1071 and LMC Chapter 5.24 are hereby repealed in their entirety.

SECTION 18

This ordinance shall take effect five (5) days after its passage, approval and publication.




PASSED this 27th day of July, 1987, and signed in authentication of its passage this 27th day of July, 1987.



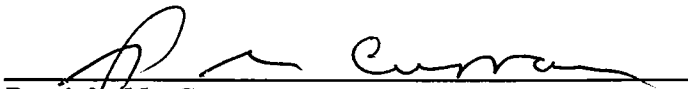
M. J. Hrdlicka, Mayor

ATTEST:



R. W. Noack, City Clerk

APPROVED AS TO FORM:



Patrick M. Curran
City Attorney

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Published: August 6, 1987