

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2070

AN ORDINANCE relating to the regulation of cabarets; and amending Sections 4, 7, 8 and 10 of Ordinance 346 and Bellevue City Code Section 5.32.040, .070, .080, .100 and adding a new Section 5.32.055

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 of Ordinance No. 346 and Bellevue City Code, Section 5.32.070, are hereby amended to read as follows:

5.32.070 License Term - Assignment - Renewals. 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. ~~The licenses~~ Licenses issued under this chapter shall not be assignable.

Applications for renewal of licenses issued hereunder shall be made to the Clerk on or before the expiration date provided for herein in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the Clerk an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as follows:

<u>DAYS PAST DUE</u>	<u>PERCENT OF LICENSE FEE</u>
<u>7-30</u>	<u>25%</u>
<u>31-60</u>	<u>50%</u>
<u>61 and over</u>	<u>75%</u>

Section 2. Section 10 of Ordinance No. 346 and Bellevue City Code, Section 5.32.100, are hereby amended to read as follows:

5.32.100 Penalty for Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not more than \$250.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.~~

Section 3. A new section is hereby added to Chapter 5.32 of the Bellevue City Code, to constitute section 5.32.055 thereof, and to read as follows:

5.32.055 Appeal. Any person aggrieved by the action of the Clerk in refusing to issue or renew any permit issued under this chapter shall have the right to appeal such action to the Board of Adjustment, or to such other Board as may hereafter be established by the City Council for the hearing of license appeals, by filing a notice of appeal with the Clerk within ten (10) days of receiving notice of the action from which appeal is taken. The board shall set a date for hearing such appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to reasonable rules and regulations provided by the Board. The filing of such appeal shall stay the action of the Clerk, pending the decision of the Board.

Section 4. Section 8 of Ordinance No. 386 and Bellevue City Code, section 5.32.080 are hereby amended to read as follows:

5.32.080 License revocation--Hearing. The Clerk may, upon the recommendation of the Chief of Police or his delegate, ~~shall have the authority to petition the board of adjustment~~ 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~~ licensee or any of his servants, agents or employees; or the conviction of the ~~person holding such license~~ licensee 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 Bellevue. ~~Before revoking any such license, the board of adjustment 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 board of adjustment, after such hearing, relative to such revocation shall be final.~~

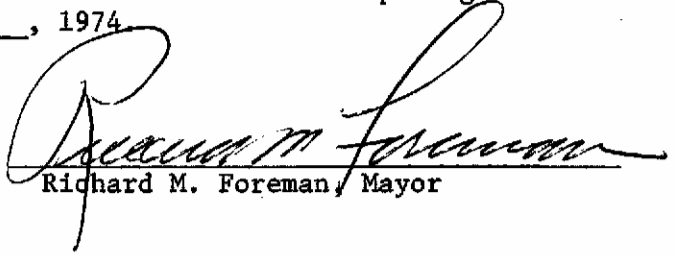
Section 5. Section 4 of Ordinance 346 and Bellevue City Code, Section 5.32.040, are hereby amended to read as follows:

5.32.040 Application--Report by police. Any person desiring such a license shall file written application with the clerk on forms provided by the clerk for that purpose. The clerk, upon presentation of such application and before acting upon the same, shall refer such application to the police department for a full investigation as to the truth of the statements contained therein, and as to any or all other matters which might tend to aid the clerk in determining whether or not such application should be granted. After the police department shall have reported back to the clerk the result of such investigation, if the clerk is satisfied that the statements contained in such application are true, the clerk shall issue the license applied for; provided, however, that if the clerk shall not be satisfied that the application should be granted, then the clerk shall deny such license application. ~~Any person having been denied a license by the clerk may appeal the action of the clerk to the board of adjustment by giving notice of appeal on forms provided by the clerk. The board of adjustment shall, upon at least ten 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 board of adjustment finds from a preponderance of the evidence that the foregoing facts have been established, it shall direct the clerk to issue the license applied for. If after such hearing the board of adjustment finds that the foregoing facts have not been established by the evidence, the application shall be denied. The action of the board of adjustment upon such hearing shall be final.~~

Section 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 20 day of May, 1974, and signed in authentication of its passage this 30 day of May, 1974.

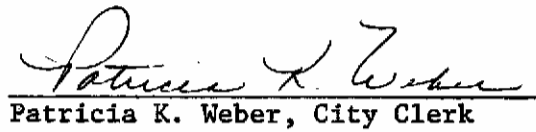
(SEAL)


Richard M. Foreman, Mayor

Approved as to Form


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published May 30, 1974