

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5190

AN ORDINANCE amending Ordinance No. 346, Sections 1, 2, 4, and 8; Ordinance No. 2070, Sections 3, 4, and 5; Ordinance No. 4602, Sections 1, 2, 4, 6, and 7; Ordinance No. 4692, Sections 1, 3, 5, 6, and 8; Ordinance No. 4695, Section 1; and Bellevue City Code Sections, 5.8.040, and .080; providing for temporary licenses for adult cabaret managers and amending provisions regarding renewal of licenses.

WHEREAS, the City Council finds it necessary to modify regulations for adult cabaret businesses to provide temporary licensing for managers of adult cabaret businesses consistent with decisions of state courts; to clarify the scope of the stay provisions of the Clerk's licensing decisions pending appeal consistent with decisions of state and federal courts; and to provide for proration of licensing fees consistent with other provisions of the City's license fee codes, now, therefore,

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

Section 1. Ordinance No. 346, Section 4, Ordinance No. 2070, Section 5, Ordinance No. 4602, Section 4, and Bellevue City Code subsection 5.08.040.C are hereby amended in part to read as follows:

5.08.040 Application.

...

C. Adult Cabaret Manager and Entertainer Licenses.

1. No person shall work as a manager, assistant manager or entertainer at an adult cabaret without an entertainer's or manager's license from the City. Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the City containing the information identified below. A non-refundable application fee of \$100 shall accompany the application. A copy of the application shall be provided to the Police Department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Bellevue Police Department employees, social security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work.

c. Documentation that the applicant has attained the age of eighteen years. Any two of the following shall be accepted as documentation of age:

i. a motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. a state issued identification card bearing the applicant's photograph and date of birth;

iii. an official passport issued by the United States of America;

iv. an immigration card issued by the United States of America; or

v. any other identification that the City determines to be acceptable.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five (5) years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two (2) two inch by two inch photographs of applicant, taken within six months of the date of application showing only the full face.

g. Authorization for the City, its agents and employees to investigate and confirm any statements set forth in the application.

h. Every adult entertainer shall provide his or her license to the adult cabaret manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the City at any time during business hours of the adult cabaret.

2. The Clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. An adult cabaret manager's or an adult entertainer's license shall be issued by the clerk within 14 days from the date the complete application and fee are received unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the clerk determines that the applicant has failed to qualify for the license applied for, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk has failed to approve or deny an application for an adult cabaret manager's license within 14 days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as an adult cabaret manager in a duly licensed adult cabaret until notified by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional 20 days.

4. An applicant for an adult cabaret manager's license or an adult entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth day following the filing of the complete application and fee, unless the clerk has failed to approve or deny the license application in which case the temporary license shall be valid until the clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the clerk extend the application review time for more than an additional 20 days.

Section 2. Ordinance No. 346, Section 4; Ordinance No. 1948, Section 2; Ordinance No. 2070, Section 3, Ordinance No. 4692, Section 5, Ordinance No. 4735, Section 4, and Ordinance No. 4819, Section 2 are hereby amended as follows:

5.08.060 Appeal.

A. Denial of License. Any person aggrieved by the action of the clerk in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the hearing examiner or to such other hearing body 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 10 days of notice of the refusal to issue or renew. The decision of the clerk shall be stayed pending the final outcome of any such appeal. The appeal shall be processed under Process II, LUC 20.35.200, et seq. The hearing examiner or other hearing body shall set a date for hearing such appeal, to take place within 45 days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the hearing examiner or other hearing body. The hearing examiner or other hearing body shall render its decision on the appeal within 15 days following the close of the appeal hearing.

Section 3. Ordinance No. 346, Section --; Ordinance No. 2070, Section 1; and Ordinance No. 4692, Section 7 are hereby amended as follows:

5.08.080(A) License term - Assignment - Renewals.

A. The business license is valid for one year and shall be renewed annually. The Clerk shall have the authority to adjust the expiration date and to prorate the license fee of the license in order to coincide with State of Washington license expiration dates. Licenses issued under this chapter shall not be assignable.

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Section 4. This Ordinance shall take force and be in effect thirty days after its passage.

Passed by the City Council this 6th day of December, 1999, and signed in authentication of its passage this 6th day of December, 1999.

(SEAL)

Mike Creighton, Mayor

Approved as to form:
Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk
Published December 10, 1999