

# Ordinance No. 00116

[\(Council Minutes 97/02/03\)](#)

## ORDINANCE NO. 116

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending section 5.32.010, 5.32.020 and 5.32.030 of the Lakewood Municipal Code, relating to public dances, cabarets, dance halls and teenager dances and declaring this Ordinance to be an emergency ordinance

WHEREAS, in its Ordinance No. 53, the City Council of the City of Lakewood adopted business licensing regulations which were, to a substantial part, patterned after existing regulations in the Pierce County Code; and,

WHEREAS, those provisions included provisions dealing with public dances, cabarets, dance halls and teenager dances; and,

WHEREAS, following the incorporation of the City, the City was approached by a business person in the City who expressed concern regarding the definition of "cabaret" contained in Section 5.32.010, indicating that the definition, as it was borrowed from the Pierce County Code presented some concerns for his business, so that the language was amended in Ordinance No. 79, seeking to provide the relief requested by the business; and,

WHEREAS, notwithstanding the City Council's adoption of Ordinance No. 79, that business chose to cease its cabaret type of business, so that the changes intended to be addressed in Ordinance No. 79 were not necessary after all; and,

WHEREAS, since the time that the City of Lakewood has been in operation, there have been questions raised regarding the public dance, cabaret, dance hall and teenager dance provisions in the City Code, and it is appropriate to provide clarification of those issues raised, which issues included questions regarding the definition of "school" as that term is used in the provisions of the City Code relative to public dances, cabarets, dance halls and teenager dances, as well as the questions regarding the hours of operation applicable to school dances; and,

WHEREAS, it is, therefore, appropriate to amend the provisions of the City Code to provide a definition of school, so that that term can be clearly understood by persons interested or affected by the provisions of the City Code, as well as to indicate, precisely, how the hours of operation provisions of the City Code apply to school dances, notwithstanding their exemption from the requirement of obtaining a business license; and,

WHEREAS, because the peace and enjoyment of neighborhoods is affected by activities which occur at very early morning hours, and because police responses caused by activities occurring those hours impact the City and jeopardize public health and safety as well as property and the public peace, it is appropriate that the provisions of this Ordinance be in effect as soon as possible; and,

WHEREAS, RCW 35A.12.130 provides that ordinances passed by a majority plus one of the whole City Council which are designated as public emergency ordinances necessary for the protection of public health, public safety, public property or public peace may be effective upon adoption, it is appropriate that such designation be applied to this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That Section 5.32.010 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

5.32.010 Definitions.

A. "Cabaret" as used in this Chapter shall mean any restaurant, barroom, tavern, cocktail lounge or other facility where food

and/or beverages are available for purchase and where dancing occurs regardless of whether such dancing is to live entertainment or prerecorded transmissions; ~~where dancing occurs during a minimum of three days per week or 156 dances per year.~~

B. "Dance Halls" as used in this Chapter shall mean any facility where public dances are held.

C. "Public Dances" as used in this Chapter shall mean any dance or ball where the general public may gain admission with or without the payment of a fee. As used in this Section, public dances shall include but not be limited to those dances sponsored by private clubs where members of the private clubs are permitted to bring guests.

D. "Teenager Dance" as used in this Chapter shall mean any dance or ball where attendance is limited to teenagers regardless of whether or not an admission fee is charged.

E. "Teenager" as used in this Chapter shall mean any person over the age of twelve (12) and under the age of eighteen (18). (Ord. 79 § 5, 1996; Ord. 53 § 6 (part), 1996.)

Section 2. That Section 5.32.020 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

#### 5.32.020 License Required.

A. No person, group or society shall conduct any activity defined in the Lakewood Municipal Code Section 5.32.010 without first obtaining a valid license.

B. School sponsored dances shall be exempt from the licensing requirements of this Chapter. For the purposes hereof, "school" means an educational institute or facility certified to be a school by the Washington State Board of Education, accredited by the Commission on Colleges - Northwest Association of Schools and Colleges or accredited by another nationally recognized accrediting body, or as otherwise specifically provided pursuant to state statute. It is provided, however, that even though school sponsored dances are exempt from the requirement of obtaining a license pursuant to this Chapter, the provisions of Section 5.32.040 of the City Code shall nevertheless apply, so that, unless a special permit is obtained from the City Manager or designee, school sponsored dances shall not continue beyond 2:00 a.m. Furthermore, the regulatory provisions of Chapter 5.32 of the City Code, including but not limited to: Lighting (Section 5.32.080); Parking Lots (Section 5.32.090); Preservation of Order (Section 5.32.100); and Employment of Law Enforcement Officers (Section 5.32.110), shall apply to school sponsored dances. (Ord. 53 § 6 (part), 1996.)

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Section 3. That Section 5.32.030 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

#### 5.32.030 License Fees.

The following license fees are required:

- A. Cabaret: \$500.00 per year. This license expires on December 31st of the year issued.
- B. Public dance hall: \$100.00 per year, which shall include the right to have teenage dances. This license expires on December 31st of the year issued.
- C. Public dances: \$35.00 per night per individual dance or \$100.00 per year for up to four dances in any calendar year.
- D. Teenager dances: Shall be licensed in the same manner as public dances.

In the event that the type of license that applies to a particular business is unclear, or that more than one license could apply, the City Manager or designee shall determine which of the possible licenses shall be applied, provided that the decision of the City Manager or designee regarding the applicable license may be appealed by the person or persons operating the business to the City Council, which appeal must be filed with the City Clerk within fourteen (14) days of the date of the notice of the decision to the person or persons operating the business. (Ord. 79 § 6, 1996; Ord. 53 § 6 (part), 1996.)

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Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. That the City Council finds that this Ordinance is immediately necessary for the preservation of public peace, health, safety and welfare, and declares that this Ordinance is an emergency ordinance, to be in full force and effect immediately upon adoption of the Ordinance by a majority plus one of the whole City Council.

ADOPTED by the City Council this 3rd day of February, 1997.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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