

ORDINANCE NO. 405

AN ORDINANCE OF THE TOWN OF GIG HARBOR PROVIDING FOR
THE CONTROL OF THE LICENSING AND OPERATION OF BUSINESSES
DESIRING TO CONDUCT CABARET OPERATIONS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR,
WASHINGTON:

Chapter 5.24

CABARETS

Sections:

5.24.010	License required.
5.24.020	Definitions.
5.24.030	License fees.
5.24.040	Licensing prohibited.
5.24.050	Information required from corporations.
5.24.060	Construction of chapter.
5.24.070	Penalty.
5.24.080	Severability.

5.24.010 License required. It is unlawful for any person, firm, corporation or association to operate or engage in the business of operating a cabaret in the Town of Gig Harbor without first obtaining a license pursuant to the provisions of this title.

5.24.020 Definitions. 1. "CABARET" shall mean any room, place, space, or private club in the Town of Gig Harbor open for the serving of the public or members, in which the members, guests, patrons, entertainers or other persons are permitted to sing, dance, perform or otherwise engage in musical entertainment, exhibitions, theatrical performances, shows or similar amusements in connection with the business of directly or indirectly selling vinous, spirituous, or malt liquors for consumption on or within the premises. "Vinous, spirituous, or malt liquors" shall mean all beverages defined in RCW 66.04.010, subsection 16.

2. "LIQUOR" shall mean all beverages defined in RCW 66.04.010, subsection 16.

3. "PERSON" shall mean one or more natural persons of either sex, firms, copartnerships and corporations, whether acting by themselves or by servant, agent or employee.

4. "MUSICAL ENTERTAINMENT" as used in this chapter shall not apply to phonographs, radios or mechanical devices used for the reproduction of music for the listening enjoyment of the members of patrons only.

5.23.030 License fees. No person shall commence, conduct, manage, operate or maintain a Cabaret without having a license so to do issued by the Town Clerk, the license fees for which shall be as follows:

FIRST YEAR	<u>\$25.00</u>
RENEWAL	<u>\$25.00</u>

5.24.040 Licensing prohibited. No cabaret license shall be issued to:

1. A person who has been convicted of a felony within five years prior to filing application.
2. 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.
3. 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.
4. A copartnership, unless all members thereof shall be qualified to obtain a license as provided herein.
5. A corporation, unless all officers, directors and managers thereof shall be qualified to obtain a license as provided herein. Such license shall be issued to the manager or other directing head of such corporation.
6. In addition to the foregoing, every applicant for a cabaret license shall be subject to the requirements set forth in Chapter 9.24 of the municipal code.

5.24.050 Information required from corporations. Each application for a cabaret license or for renewal of the same made by or on behalf of a corporation shall include a list of the names and addresses of all directors, officers, and shareholders of such corporation, and if at any time changes of directors, officers or shareholders shall occur, said list shall forthwith be amended by notice in writing filed with the Town Clerk, and failure to comply with this section shall be an additional ground for suspension or revocation of such license.

5.24.060 Construction of chapter. Any license issued pursuant to this chapter shall be subject to any rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquors. 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.

5.24.070 Penalty. Any person guilty of a violation of this chapter or any of the terms and provisions thereof shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$500.00 dollars or imprisonment in the County Jail for a period not to exceed six months, or both such fine and imprisonment.

5.24.080 Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions

of this ordinance. Any ordinance or ordinances, or portion thereof, in conflict with this ordinance shall be and the same are hereby repealed.

ADOPTED by the Town Council, Town of Gig Harbor, this 14th day of July, 1975.

Jack D. Bujacich, Jr.
Jack D. Bujacich, Jr. - Mayor

Attest:

Donald J. Avery
Donald J. Avery - Clerk