



APPLICATION FOR NIGHTCLUB LICENSE

P.O. Box 7380 • 19306 Bonney Lake Blvd. • Bonney Lake, WA 98391 • Ph: (253)862-8602 • Fax: (253) 862-8538

Note: This license is supplemental to, and not in lieu of, a regular City Business License. The supplemental license fee is \$250 per calendar year. The fee is not prorated.

Name of Business: _____

Mailing Address: _____

Telephone: _____ Fax: _____ Email: _____

Location of Business (if different from above): _____

WA UBI Number: _____ Bonney Lake City Business License Number: _____

On a separate sheet, attach the following information:

1. The name, home address, home telephone number, date and place of birth, and Social Security number of the applicant, if the applicant is an individual;
2. The names, home addresses, home telephone numbers, dates and places of birth, and Social Security numbers of the officers and directors of the applicant, if the applicant is a partnership or a corporation. If the applicant is any other type of business entity, then the applicant shall provide the same information requested for all managers or other persons who control the business decisions of that entity;
3. The name, address, and telephone number of all onsite managers of the nightclub; and
4. The name, address, and telephone number of the owner of the property on which the nightclub is located if the applicant is not the property owner.

I hereby declare and certify, under penalty of perjury, that the applicant has personal knowledge of all matters asserted in said application and that the statements contained herein, including the attachment, are true and complete.

Date

Signature of Applicant

Printed Name of Applicant

For Official City Use Only:

Approved

Denied

By: City Administrator

Date

\$250 Fee: _____ Receipt#: _____ Date: _____ Permit #: _____

City of Bonney Lake Nightclub License Requirements and Regulations

5.17.010 Definitions.

- A. "City Administrator" means the City Administrator or his/her designee.
- B. "Nightclub" means any for-profit business open to the public;
 - 1. in which at any time between the hours of 10:00 p.m. and 6:00 a.m. liquor is sold to the public; and
 - 2. whose total revenue from liquor sales represents fifty percent (50%) or more of its total revenues; and
 - 3. has any assembly space on the premises with a maximum occupancy of fifty (50) or more persons as provided in a Certificate of Occupancy issued by the City.
- B. "Liquor" means all beverages defined in RCW 66.04.010.
- C. "Person" means one or more natural persons of either sex, firms, co-partnerships and corporations, whether acting by themselves or by servant, agent or employee.

5.17.020 License – Required.

It is unlawful for any person to conduct, manage or operate a nightclub unless such person is the holder of a valid license from the City, obtained in the manner herein provided.

5.17.030 License – Application – Issuance.

A. An applicant for a nightclub license shall make application therefore on the application forms provided by the city clerk. Each such application form shall require the following information:

- 1. The name, home address, home telephone number, date and place of birth, and Social Security number of the applicant, if the applicant is an individual;
- 2. The names, home addresses, home telephone numbers, dates and places of birth, and Social Security numbers of the officers and directors of the applicant, if the applicant is a partnership or a corporation. If the applicant is any other type of business entity, then the applicant shall provide the same information requested in this subsection for all managers or other persons who control the business decisions of that entity;
- 3. The name, address, and telephone number of the nightclub, and the names of all onsite managers of the nightclub; and
- 4. The name, address, and telephone number of the owner of the property on which the nightclub is located.

Each application must be completed in full and signed by the applicant in affidavit or declaration form wherein the applicant certifies under penalty of perjury that the applicant has personal knowledge of all matters asserted in said application and that the statements contained therein are true and complete.

B. In the event that any information on any application for a license under this chapter becomes outdated or otherwise inaccurate, an applicant or license holder promptly shall notify the clerk in writing and provide current information.

C. A complete application shall be submitted to the city clerk along with a receipt or other notation from the city showing payment of the required license fee.

5.17.040 License – Fee.

Any person desiring to operate a cabaret shall first procure nightclub license at a cost of \$250.00 per year.

5.17.050 License – Expiration.

There shall be no prorating of the fee mentioned in BLMC 5.17.040, and such license 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 license shall not be assignable.

5.17.060 License – Revocation.

A. The city administrator may revoke or suspend any such nightclub license issued pursuant to this chapter for a period of time not to exceed one year, where one or more of the following conditions exist:

- 1. The license was procured by fraud or by any false statement or misrepresentation of fact in the application or in any report or record required to be filed with the clerk; or
- 2. The building, structure, equipment, operation or location of the business for which the license was issued does not comply with the requirements or standards of any state, county or city health, safety, building, zoning or fire law; or
- 3. For any conviction for any criminal offense committed by any person holding such license, or by any of his/her managers or agents, for activities occurring within the nightclub establishment following the issuance of such license; or
- 4. For five or more arrests with ensuing criminal charges occurring within a one-year period arising from activities that occurred within the nightclub establishment; or
- 5. For ten or more arrests with ensuing criminal charges for violations of RCW 46.61.502 (Driving under the influence), 46.61.503 (Driver under twenty-one consuming alcohol – Penalties), or 46.61.504 (Physical control of vehicle under the influence) occurring within a one-year period arising from liquor sold to the offender by the cabaret establishment.

B. In making any decisions or determinations required or permitted by this chapter, the city administrator may rely upon, among other things, written reports issued by law enforcement officers in the course of their duties, and upon the type of civilian reports that would ordinarily be relied upon by law enforcement officers in making determination regarding probable cause.

5.17.070 Appeal – Hearing.

A. Any person aggrieved by the action of the city administrator in suspending or revoking any license under this chapter shall have the right to appeal such action to the city hearing examiner by filing a notice of appeal with the clerk within 10 days of receiving notice of the action from which appeal is taken.

B. The hearing examiner, upon receipt of a timely notice of appeal, shall set a date for a hearing of such appeal within 20 days from the date of such receipt, except when extenuating circumstances exist. The hearing shall be de novo. The hearing examiner shall hear testimony, take evidence and may hear oral argument and receive written briefs. The filing of such appeal shall stay the action of the city administrator, pending the decision of the hearing body.

C. The decision of the hearing examiner on an appeal from a decision of the city administrator shall be based upon a preponderance of the evidence. The burden of proof shall be on the appellant.

D. The decision of the hearing examiner shall be final unless appealed to the superior court within 20 days of the date the decision is entered.

5.17.080 Operating without a license – Penalty.

Any person who operates a nightclub without a valid license issued pursuant to this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000 and/or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Each day of violation of the provisions of this chapter shall be deemed to be a separate offense.