

ORDINANCE NO. 2010-11-062

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE 6.32.010 and 6.32.020.

WHEREAS, the current code language regarding teen dance license exceptions is vague and therefore difficult to enforce; and

WHEREAS, the true intention and spirit of the code can be fully realized with minor alterations, including the defining of a key phrase within the current code's language; and

WHEREAS, the intention of these changes is not to hinder entities which legitimately fall within the well-defined exceptions, but to prevent illegal practices currently taking place due to the code's vagueness.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: BMC 6.32.010 is hereby amended as follows:

6.32.010 - Definitions

For the purpose of this ordinance and unless the context plainly requires otherwise the following definitions are adopted:

- A. **Director** shall mean Finance Director.
- B. **Department** shall mean Department of Finance.
- C. **Knowingly** shall have the definition set forth in the Bellingham Municipal Code.
- D. **Person** includes any natural person and, in addition, a corporation, partnership or an unincorporated association.
- E. **Public Dance** means any dance that is readily accessible to the public and which:
 - 1. Is held and conducted for a profit, direct or indirect; or
 - 2. Requires a monetary payment or contribution from any of the persons admitted.
- G. **Sponsored** shall mean the person putting on a teen dance shares responsibility for the organizing of the dance and providing the financial cost to put on the dance. Any person receiving profits from a dance in which the person has not provided the organization and financial support for the dance, is not considered a sponsor.


- H. **Teen dance** means any **public dance** as herein defined which permits the entry of persons under the age of 18 years.
- I. **Teen dance hall** means any place where a teen dance is conducted, operated or maintained, including but not limited to all parking areas, hallways, bathrooms, and all adjoining areas on the premises accessible to the public during the dance and under the control of the operator of the teen dance.

Section 2: BMC 6.32.020 is hereby amended as follows:

6.32.020 - Teen Dance Or Dance Hall License - Required - Exceptions

- A. No person shall conduct or operate a teen dance or teen dance hall unless the person who is conducting or operating such teen dance hall has obtained a license in accordance with the provisions of this chapter.
- B. **Exceptions.**
 1. The requirements of this chapter shall not apply if the teen dance hall is limited to 100 or fewer persons.
 2. The requirements of this ordinance shall not apply if the teen dance is sponsored and operated or conducted by an accredited educational institution or governmental agency.
 3. The requirement of this ordinance shall not apply if the teen dance is sponsored and operated or conducted by a nonprofit tax-exempt organization, corporation or association recognized by the United States of America as exempt from federal income taxation pursuant to 501(c)(1) or (3) of the Internal Revenue Code of 1954, 26 U.S.C. 501 as now existing or hereafter amended.

PASSED by the Council this 22nd day of November, 2010.



 Council President

APPROVED by me this 29th day of November, 2010.

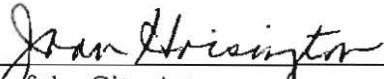


 Mayor

ATTEST: 

 Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

November 26, 2010
